

the petitioner had disclosed that he had informed B.G. Kher, the then Chief Minister of Bombay, about the 'plan' to murder Mahatma Gandhi and yet no action was taken to prevent the commission of the offence". Significantly, the judgment used the word, 'plan', and not 'intention'.

- (2) According to the affidavit of the District Magistrate, the function at the *Karyalaya* was not a private function; it was organised by friends and admirers of Nathuram Godse to eulogize him for the assassination of Mahatma Gandhi. About 125 to 150 persons were present, speeches were made, the principal speaker being Ketkar.
- (3) In the affidavit filed by the District Magistrate in reply to Ketkar's affidavit, he said that Ketkar was invited because he belonged to the group of persons who believed that Nathuram Godse had been of service to India by assassinating Mahatma Gandhi, and that all the persons who gathered at the function shared that view which was reflected in the speeches delivered there.
- (4) The speech delivered by Ketkar showed, according to the affidavit of the District Magistrate, a pre-knowledge of "the conspiracy" which had been hatched to murder the Mahatma.
- (5) The High Court found that the meeting of November 12, 1964, was not a private meeting; it was not held at the house of the admirers of the Godse but was held in a *Karyalaya* which is a public place available to anyone on payment of "rent"; that although invitation cards were issued to the circle of friends numbering only 50 persons, between 125 and 150 persons were present, showing thereby that the meeting though not open to the public in general was open to anyone who wanted to come, because there was no prohibition against people coming in and attending the meeting.
- (6) In all probability, the correspondent of the 'Indian Express' was also present, and the fact that a number of photographs of persons on the dias, including Ketkar, were taken at the time and produced before the High Court was corroborative of the function being attended by persons other than invitees. These photographs are before the Commission and show that publicity was given to the meeting and its proceedings, and whatever else it might have been, it was not private.
- (7) Ketkar had prior knowledge of the Nathuram Godse "idea", plan or intention to murder Mahatma Gandhi, and that even if he did write through Balukaka Kanitkar the statement of Ketkar in his affidavit was vague, and that on the material on the record the Court could not hold that Ketkar made it clear to the audience that he "did not like the idea of Nathuram Godse contemplating the murder of Mahatma Gandhi".
- (8) "According to the District Magistrate, the speech delivered by the petitioner was objectionable and in a sense inflammatory. To refer to Nathuram Godse as a patriot and

to eulogize him for the act committed by him cannot be treated as a legal or an innocuous activity. It may be that it is possible to make a distinction between the eulogy of the assassin for his individual qualities and the eulogy for the act done by him or the praise of the act itself. But that distinction can be made by people of intelligence, ability and subtlety. It is difficult for the ordinary people to understand the subtle distinction between the two positions. Now, if as a result of the indiscriminate praise of Nathuram Godse, the assassin of Mahatma Gandhi, the District Magistrate apprehends that breach of the peace was likely, would it be proper to fall back upon the principle laid down in *Beatty v. Gillbanks* or Dicey's exposition of the law of public meetings? The action taken by the District Magistrate is of a preventive character. The very essence of the action is to forestall the happening of untoward incidents. In taking this action the District Magistrate is not concerned only with the legalistic aspect of the activities of the petitioner. Even if the activities do not infringe any law, but at the same time are detrimental to public peace, it would be legitimate for the District Magistrate to have recourse to the same".

- (9) The Court rejected the submissions made by the counsel for Ketkar that the order passed was malafide and was the result of questions asked in the Assembly and in Parliament or that they were the result of any direction given by the Central Government or the State Government or was the consequence of any pressure.

On these grounds the High Court dismissed Mr. Ketkar's *habeas corpus* petition.

20.62 It is significant, as is shown by the review petition of G.V. Ketkar (Ex.18), that after the news about the public meeting came to the knowledge of the Poona public, they got so incensed that they mobbed him, abused him near Jain Mandir Bus Stop and they put a garland of shoes around his neck and told the people whom he was showing round the town that he was a traitor. This was on the mid-day of Sunday, November 22, 1964.

20.63 Commission finds on this evidence that Mr. G.V. Ketkar did have knowledge of Nathuram Godse's idea, intention or plot to murder Mahatma Gandhi. Leaving out the alleged speech of Godse of July which has not been proved, Nathuram did disclose to Mr. Ketkar in October, 1947 about his determination to assassinate Gandhiji. In January Badge told him of the conspiracy and the Commission respectfully agrees with the finding of the Bombay High Court on this point. The police reported that at the *Karyalaya* Mr. G.V. Ketkar, because his own dhoti had become soiled in the rain, donned Nathuram Godse's dhoti which has been preserved as a memory of the "patriot". This may be a sinister fact or wholly innocuous. It was submitted that it showed Mr. Ketkar's regard for Nathuram Godse. As no questions were put to Mr. Ketkar and he had no opportunity to explain this fact, the Commission would not take this matter into consideration.

20.64 In connection with the *Satyavinayak Puja*, dated November 12, 1964, Mr. B.B. Paymaster, witness No. 85, submitted a note to the Government, Ex.180, dated November 25, 1964, in which he gave a resume of what happened at the function and then what Mr. G.V. Ketkar said and the explanation he had given. The note mentions:

Since the execution of Nathuram Godse on November 15, 1949, it had been the practice of the family to have a function to observe that day as death anniversary, but from 1959 Mrs. Gopal Godse started inviting leaders of the Hindu Mahasabha to the function to depict Nathuram Godse as a martyr. In November 1961 the Hindu Mahasabha, Poona, passed a resolution to observe that day as "Hindustan Day" and a public meeting attended by about 200 persons was held on that day. Previous to this, on November 25, 1959, which was according to Hindu Calendar, 16 prominent Hindu Mahasabha and R.S.S. workers took part in the function. Certain persons, including Mr. N.G. Abhyankar, R.S.S., paid tributes to the memory of Nathuram Godse. On November 15, 1960, Mr. G.V. Ketkar and others paid a tribute to his memory. The anniversary was observed in 1961, 1962 and 1963 also where Nathuram was depicted as a martyr and as a patriot.

One P.B. Dawre wrote an open letter to the editor of the 'Vishal Sahyadri' stating that Nathuram Godse and Apte were martyrs and attacked that newspaper for spreading hatred.

20.65 Mr. B.B. Paymaster appeared as a witness and proved this report and also gave particulars about other documents which were sent by the C.I.D. to the Government of Maharashtra in regard to this function.

Did Ketkar forewarn the authorities

20.66 In his statement before this Commission he has but the time somewhere in July 1947 when, according to him, the speech was made, the significant words being "Mahatma Gandhi says he will live for 125 years; yes, if anybody allows him to live". That part of his evidence has already been discussed and it is not necessary to dilate upon it any further excepting to say this that he has definitely stated that it was at the meeting itself that he had asked Balukaka Kanitkar to warn the Government.

20.67 The next occasion when this story could be repeated arose when Mahatma Gandhi was murdered by Nathuram Godse on 30th January, 1948, and the assassin was arrested at the spot. According to Ketkar, he brought out a special edition of the 'Kesari' on January 31, 1948. What he wrote there the Commission does not know, because the issue has not been placed before the Commission, but we do know that on February 14, 1948 he wrote a leading article in the 'Kesari' of which he was the editor, under the heading 'Culminating misfortune of the nation' (Ex.22, Ketkar's letter to the Commission). There he did not even mention the factum of his knowledge of Nathuram's intentions nor of his having asked Balukaka Kanitkar to forewarn the authorities about the threat to Mahatma Gandhi. Surprisingly enough, he expressed surprise, and a "stunning" one at that, that the assassin was Nathuram Godse of Poona whereas they had all thought that it was a refugee. What he wrote was this—

"But we heard that Nathuram Godse was the assassin. We got stunned that he should have thought of such a deadly act.

We could foresee the dangerous events that would follow Nathuram Godse's act".

He did not even mention about the existence of the conspiracy about which he says that he came to know from a talk with Badge. In that Article what he said was: "It is to be seen after the investigation taken up by Government is completed whether Nathuram Godse was the only person who committed this heinous crime or it was with the collaboration of some other people". This clearly indicates that either he had no idea that there was a conspiracy to murder Mahatma Gandhi, that is, more than one person had banded together to commit the offence, or he was trying to use the article as a cloak to hide his knowledge. This was in Ex.22—a letter which he addressed to this Commission, dated December 10, 1965.

20.68 It has already been discussed that if Ketkar knew about the intentions of Godse he had failed to dissuade him and had also been told of the conspiracy by Badge and there was no occasion for him to get stunned; either the stunning was a pose or an invention to prevent any suspicion falling on him later, or he had no knowledge of the matter. His explanation of course is that he was stunned because he thought that his warning would have been sufficient to protect the life of the Mahatma but that is falsified by saying that they all thought the murderer was a refugee which also cannot be correct because Godse was arrested at the spot and in the First Information Report which was recorded at 5.45 P.M. the name of the murderer was given as Narain Vinaik Godse. The statement of Head Constable Dharam Singh which was recorded after the First Information Report shows that the correct name of the arrested person was Nathuram alias Narain Vinaik Godse. If the name had been disclosed at such an early stage, there is no reason for Mr. G. V. Ketkar to have assumed that the alleged murderer was a refugee. And if this is what he has assumed then the whole story, which he has repeated in regard to Nathuram's speech about 125 years, his disclosing to Mr. Ketkar in October 1947 about his plan to murder Mahatma Gandhi, or the story which Mr. Ketkar has put in the mouth of Badge, all get falsified. And if that is not so, Mr. G.V. Ketkar was putting on a pose and pretending not to have any knowledge about Nathuram's intention, plan or conspiracy to murder Mahatma Gandhi.

20.69 As has been said earlier, it may in extenuation be said that any such disclosure soon after the murder might have exposed Ketkar to the unkind attentions of the Police and to the fury of the mob which was let loose when the news of the Mahatma's death reached Maharashtra. But there was no justification why the story was not told later on on November 15, 1949, when Godse and Apte were executed, and Mr. Ketkar wrote a leading in his paper the 'Kesari'. He did say that Government had been warned before by Balukaka Kanitkar but he did not there say that he knew anything about the intention, plot or conspiracy. And at that time there was no danger of his being involved in the case or any mob fury and the article itself is, to say the least, an apologia for the conduct of Godse, etc., and if not an *Eulogia*. All that he said in the article was that from some such sentence as the Mahatma saying he would live for 125 years; yes, if anybody lets him, Balukaka must have inferred that the life of the leaders was in danger. Surprisingly enough, even there Mahatma Gandhi's

name was not specifically mentioned nor was it asserted that it was Mr. Ketkar who had prompted Balukaka to write the letter. The reference there was to danger to the life of the leaders. In his affidavit before the Commission dated January 9, 1967, he repeated the words, "the life (lives?) of Congress leaders were in danger".

20.70 Another occasion when the speech of July could have been mentioned was when Ketkar presided at the *Satyavinayak Puja* on November 12, 1964. There he asserted that it was three months earlier that Nathuram Godse discussed with him the idea of killing Gandhiji. This would place it in November and at the earliest in October, 1947. In his clarificatory statement, Ex.27-A, which appeared in the 'Indian Express', the words used were that Nathuram Godse had disclosed to him some months before the murder his intention of murdering Gandhiji. Here the exact number of months was not mentioned. In his clarificatory statement to the Poona 'Daily News' dated November 16, 1964, Ex.28, he has reverted to the speech of Nathuram Godse about 125 years, but no time is mentioned; only it is stated that he had a talk with Balukaka Kanitkar about Godse's intention and Kanitkar had relayed the fact to Mr. Kher. Therefore, this statement goes against Ketkar and Kanitkar being together at the meeting.

20.71 In his statement to the 'Times of India', Bombay, dated November 16, 1964, Ex.27-B, he only said that he had informed Balukaka Kanitkar but gave no time when he did so.

20.72 After his speech at the function on November 12, 1964, Mr. Ketkar was detained under the Defence of India Rules by an order of November 24, 1964, and he filed a review petition on December 23, 1964. There again he had an opportunity to refer to July speech. The petition runs into 35 paragraphs. In paragraph 9 also he mentioned that it was three months earlier that Nathuram Godse had disclosed his intention of murdering Mahatma Gandhi. In paragraph 15 he said that a few days before the disclosure Nathuram had at a public meeting in Shivaji Mandir uttered the sinister sentence of 125 years. That also would not take it back to July, 1947. Significantly enough, in this paragraph also he has stated that he met Balukaka Kanitkar and spoke about Nathuram's speech and corroborative private talk. No mention of the speech of July 1947.

20.73 After his review petition he filed a petition in the nature of *Habeas Corpus* under section 491 Cr. P.C. in April, 1965. There he did not mention anything about the time as to when he informed Mr. B. G. Kher through Balukaka Kanitkar but he did say that he tried to dissuade Godse from the idea of murdering Mahatma Gandhi.

20.74 In his letter to this Commission, dated September 14, 1965 (Ex.19), he complained that a wrong version of his speech had appeared in the Press, that it was not a few weeks before the Gandhi murder that Nathuram had disclosed to him about the conspiracy but the correct thing was that three months before the Gandhi murder Nathuram had disclosed his idea of killing Mahatma Gandhi, and sometime in September 1947 Nathuram had made a speech at Shivaji Mandir in Poona where he had mentioned the significant sentence about Gandhiji's living 125 years, etc. Thereafter, so his letter says, he had

a talk with the late Balukaka Kanitkar who was his friend and Balukaka agreed to warn the authorities of the dangerous tendencies disclosed in Nathuram's speech. Here again there is no mention of Balukaka and himself being together at the meeting and it is now put in September 1947, and not in July 1947.

20.75 On all these various occasions when Mr. Ketkar could have specifically stated that it was in July 1947 that the speech was made when both he and Balukaka Kanitkar were present at the meeting and they decided to inform the Government through Balukaka Kanitkar, he did not do so.

20.76 A letter was sent by Balukaka as appears from the evidence which was in the nature of a warning not in regard to the life of Mahatma Gandhi but in regard to the life of top Congress leaders in general and it is that letter which Mr. Ketkar seems to have got hold of in support of his claim of forewarning the Government through Balukaka Kanitkar.

20.77 Mr. Ketkar is a B.A., LL.B, and presumably would know this much that a citizen is expected to give information to a Magistrate or the Police if he comes to know that some person or persons is or are going to commit a murder. Mr. Ketkar did not choose to do so, and takes refuge under the spurious plea of being a Hindu Sabhaite and therefore opposed to the Congress. That would hardly be a defence if Mr. Ketkar were to be tried before a Magistrate for violating section 44 Cr. P.C.

20.78 The claim also seems to be negated by the manner in which Mr. Ketkar, on his showing, has acted which makes it highly improbable, if not impossible, his giving any warning to Government in regard to the danger from Nathuram Godse: (1) He did not do so when, on his own showing, in October 1947 he tried to dissuade Nathuram Godse from his murderous design and failed to dissuade him; and (2) When he came to know from Badge, who was at one time helping him in collecting money for his Ashram and who was helped by Mr. Ketkar to set up an arms shop, as to who the throwers of the bomb were and also that they were going back to Delhi to finish the job i.e. to commit the murder. And the excuse for not doing so, to say the least, is very flimsy and utterly unacceptable that he was then editor of a newspaper. It would require a great deal of credulity for the Commission to accept any such a tale as has been told by Mr. G. V. Ketkar.

20.79 When the report of the 'Indian Express', Ex.26, was read out to Mr. Ketkar, he said that it was incorrect that Nathuram Godse used to discuss the murder of Gandhi with him; he did so only on one occasion. He was asked as to whether he had contradicted the words ascribed to him in the 'Indian Express' report that Nathuram Godse "used to discuss with me the pros and cons of his idea to kill Mahatma Gandhi". His reply surprisingly was that he did not scrutinize the language before he gave the clarification to the Times of India published on 16th November, 1964. He added—

"I did not have to deal with each and every word which was published in the Indian Express of 14th November, 1964. I filed my clarification which was published in the Times of India dated 16th November, 1964 (Exhibit 27 B)".

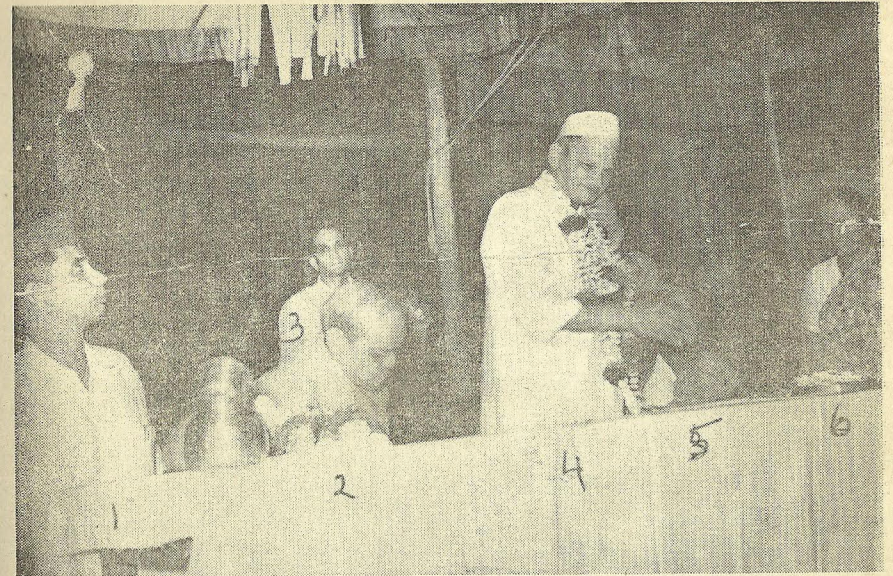
He then said that the word 'used' was wrong but it was only on one occasion that Nathuram Godse discussed with him the *pros and cons* of murdering Mahatma Gandhi. He has still used the used "*pros and cons*".

20.80 Mr. Ketkar next sought support about Kanitkar's letter from a reference in the autobiography of Mr. N.V. Gadgil at page 293 where he said that Balukaka had also sent a secret letter to Balasahib Kher about the impending danger and also at page 294 where Mr. Gadgil referred to a Mr. Keshavrao Jedhe. Ketkar also filed a further explanatory statement (Ex.27-C) wherein he admitted that he had said in his speech of November 24, 1964 that three months previous to the murder of Mahatma Gandhi he knew of Godse's intention to do so but he was opposed to the idea and tried to dissuade Godse. His explanation for presiding at the *Puja* performed on the release of Gopal Godse was that he had been writing in English and Marathi articles to the effect that normal period of 15 years imprisonment was over and Gopal Godse should be released.

20.81 He was shown photographs which were taken on the occasion of the *Puja* where he presided and the photograph was taken while he was speaking. He was also shown photograph (Ex.27-F). He said that the *Puja* was *Satyavinayak Puja*. The object of confronting him with the photographs was to show that the *Puja* was not a private function that the photographs have amply showed. He seemed to imply at one time that the function of November 12 was a private one.

20.82 It is surprising that although he thought that Nathuram Godse was only talking big he now tries to take credit for having induced Balukaka Kanitkar to write a warning letter to the Government, which is Mr. Ketkar's main defence against his inaction. Copies of photographs taken on the occasion of the *Puja* are attached herewith. (See next page).

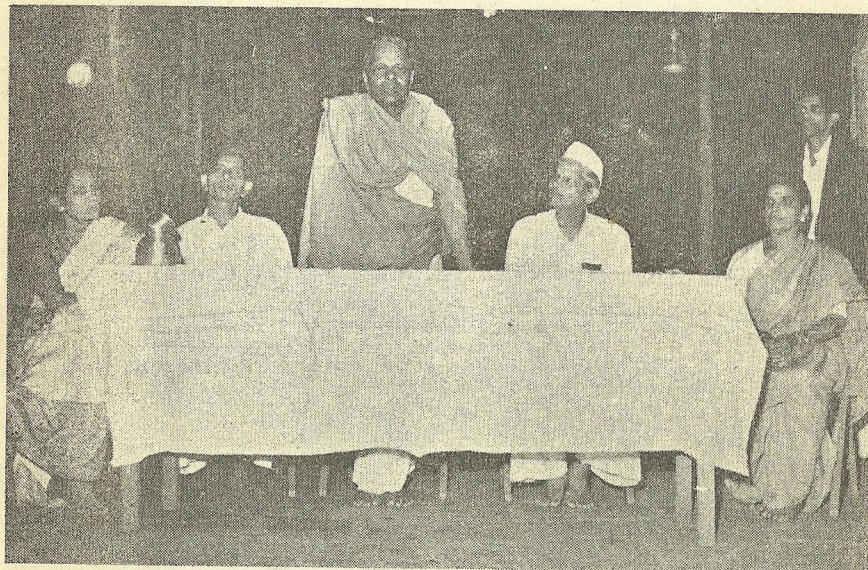
20.83 Mr. Ketkar was examined a third time on January 20, 1969. He was asked about his statement of the atmosphere being hostile to Mahatma Gandhi and the Poona papers indirectly creating an atmosphere of violence. He was asked how the atmosphere was hostile, etc. His reply was that in Poona the atmosphere was hostile because although the Mahatma said that the partition will take place over his dead body, he had not prevented it and people felt that he was a consenting party. When he said "people were hostile", he was referring to the middle class educated people living on intellectual pursuits of life and also students of colleges who all felt that Mahatma Gandhi was responsible for the partition of the country. To his last statement he has added that at the Shivaji Mandir meeting Nathuram Godse uttered the striking sentence about 125 years. He was lustily cheered, the people assembled being mostly educated Brahmins. He added people used to say, what is the use of the Mahatma when he cannot even influence the Congress not to agree to the partition; and that was the class of people who assembled in the Shivaji Mandir meeting. The hostile atmosphere which he mentioned earlier was that of the intellectuals of Poona who were mostly Hindu Mahasabha and



Ex. 27D: (1) Gopal V. Godse, (2) G. V. Ketkar, (3) V. R. Thakur, (4) V. R. Karkare, (5) Smt. S. Karkare, (6) Smt. D. H. Thatte [See para 20.81]



Ex. 27E: (Ketkar speaking) [See para 20.81]



Ex. 27F: (Ketkar speaking) [See para 20.81]

R.S.S. people, but there were some old Congressmen also including those who had retired from the Congress.

20.84 Mr. Ketkar was next asked which Poona papers were responsible for creating violence. He named Godse's paper and also the 'Trikal' and the 'Kal'. When asked about the statement that occasionally news used to come that something terrible was going to happen, he said that what he meant was that there would be an upheaval against the Government, people would mob Government offices and residences of topmost people and the happenings were to take place in Delhi and Calcutta and people there were going to bring about a *mara mari* and not that something terrible was going to happen through Poona people. He added: "I do not know whether this news was nowhere else, it was certainly there in Poona". And this was the state of affairs before Godse's speech after which Ketkar became very highly apprehensive and thought that Godse was going to do something or his companions were going to do it.

20.85 Mr. Ketkar was asked if he was one of the persons present at the reception by a group of Hindu Mahasabhaities given to Daji Joshi who was convicted for the murder of Collector Jackson. His reply was that he might have been there. When the extract from Ex. 114 relating to him (item 12) was read out to him, his reply was: "Whatever is written there is correct". He admitted that Godse and Apte were also members of the party and after some hedging he admitted that he stood surety for Apte in City Library Bomb case, although at a previous hearing he had said that he did not know Apte and only knew him by sight. But at this sitting he said he knew Apte. He admitted that he was presiding at Hindu Mahasabha meetings and gave articles for the newspaper of Nathuram Godse whenever he asked him to contribute one. That was because Nathuram Godse was a struggling journalist and was trying to collect money for his newspaper.

20.86 He was cross-examined by Mr. Kotwal. He admitted that he collected money in 1942 to give a purse to Savarkar. He might have been President of the Poona City Hindu Mahasabha in 1946. He also made a speech in 1947 saying that Hindus must accept Savarkar's ideology, and it was also possible that he said in December 1947 that *Gandhism-cum-false nationalism was enemy No. 1 of Hindus*.

20.87 When asked if the speech of Nathuram Godse of July 1947 was reported in the 'Kesari' or any other newspaper, his reply was that at least he could not remember its having been reported. He also said that both he and Balukaka Kanitkar came to the meeting after Godse had started speaking and they must have heard him about 15 or 20 minutes. Those significant words were uttered when they had just come to the meeting and were near the wall and Balukaka also heard the speech of Godse. Surprisingly enough, Mr. Ketkar again repeated that Balukaka was certain about the meaning of the words spoken by Godse but "I still did suspect", and therefore when in October Godse came to see him, he (Ketkar) asked him: "What was the meaning of all that? Are you going to kill Mahatma Gandhi". He said: "Yes, we are going to". He again said he took no steps to inform anyone about the danger because Balukaka had already given the information. He did not connect the throwing of the bomb with Godse's intention to murder Mahatma Gandhi until

Badge met him and told him that that was part of the conspiracy to kill Mahatma Gandhi and also that Apte and Godse were in it. When questioned by Commission, he replied: When Godse talked to him, he got the impression that Godse was going to do it alone. He repeated that he talked to Mr. Khadilkar after the bomb was thrown and before the murder, and that it was a mistake in saying that he talked to Mr. Khadilkar long after the murder. But he did not disclose anything about what Badge told him to anyone, not even to Mr. Khadilkar, but did so later.

20.88 He was then cross-examined about the news in the newspapers about Madanlal's description of his associates. Ketkar changed his statement and in answer to a question in cross-examination by Mr. Kotwal he said, "whether or not it is reported in the newspapers, it is not really relevant because as soon as a man is arrested and he is in the hands of the Police, they always manage to get information about his associates. It may be that I was wrong in saying that newspapers had given out the name of the 'Agrani' " but has not said that if an accused person is in the hands of the Police they always manage to get the correct information from him. "We may take it that if it did not appear in any newspaper, my memory must be to that extent wrong".

Balukaka Kanitkar—

20.89 The Commission will next take up the evidence relating to what Balukaka Kanitkar did in regard to the alleged threat to Mahatma Gandhi's life, who gave him the information and what use he made of it. It is not necessary to repeat the portions of the statement of Mr. G. V. Ketkar which have already been set out *in verbatim* and discussed above; but it would be helpful if a gist of what Mr. Ketkar has stated was given at this stage. The statement when analysed comes to this—

- (i) there was a meeting in July, 1947 in Shivaji Mandir, Poona, which was to protest against the acceptance of the partition of India, and this was addressed by Nathuram Godse;
- (ii) Both Ketkar and Balukaka Kanitkar attended this meeting but both were standing away from the crowd, and outside the compound of Shivaji Mandir where the meeting was held, i.e., behind a fairly high stone wall; it is 7 ft. high;
- (iii) Godse openly said, Mahatma Gandhi would live 125 years, "if anyone would let him live";
- (iv) Balukaka Kanitkar considered this speech to be a dangerous utterance and said that Government should be apprised of it;
- (v) Ketkar, however, did not think so, and he did not think that the matter should be conveyed to Government because the police reporters were there who, he said, would do it;
- (vi) then, *inter se*, Ketkar and Balukaka Kanitkar decided that Ketkar would try to dissuade Godse from carrying out his murderous design, and Balukaka Kanitkar would write to Government as to what Nathuram Godse had said and thus warn them of the danger to Mahatma Gandhi's life;

- (vii) Balukaka Kanitkar later told Ketkar that he had informed Mr. B.G. Kher, the Premier of Bombay, who in turn had apprised Sardar Patel of what Balukaka Kanitkar had written to him.

20.90 This synopsis of the speech raises three questions for decision—

- (a) Did Nathuram Godse make a speech in July, 1947, in Shivaji Mandir, and did he use the words re: 125 years?
- (b) Did Balukaka Kanitkar write a letter to Mr. B.G. Kher after he heard this speech, and if he did so, was it at the instance of Mr. G.V. Ketkar?
- (c) What were the contents of the letter?

20.91 Unfortunately, Balukaka Kanitkar is dead, and so is the addressee, Balasahib Kher, and there is no record of this speech in the Bombay Secretariat. Balukaka Kanitkar's son, Dr. M.G. Kanitkar, has appeared as a witness—Witness No. 2—and he has stated that he remembers that a letter was sent to Balasahib Kher when he was in Delhi, and that this was about six months prior to the murder of Mahatma Gandhi, but he has no knowledge of its contents. Mr. Morarji Desai, who was then the Home Minister of Bombay Government, has stated before the Commission that he has no recollection of having seen this letter, but Balasahib Kher did receive a letter from Balukaka Kanitkar, and its contents in a general way were disclosed to him but no names were mentioned nor any particulars given. The letter, as far as Mr. Morarji Desai could remember, tended to show that the atmosphere was tense and there was danger to Mahatma Gandhi's life. But Mr. Morarji Desai added that this was being said by other people also.

Mr. Bhagwat wit. 69—

20.92 Another witness whose statement is relevant is Mr. S.R. Bhagwat, Witness No. 69, who being too enfeebled was examined at Poona. He is a retired Chief Officer of the Poona Municipality. He stated that he knew Balasahib Kher, the Premier of Bombay, and had stayed with him for several months. He also knew Balukaka Kanitkar who was living quite close to his house. Mr. Bhagwat wrote a letter (Ex. 115) of which the translation is Ex. 115-A. This letter is dated December 2, 1965, and is addressed to Dr. M.G. Kanitkar, the son of Balukaka Kanitkar. When quoted, the letter runs as follows—

"I have read in newspaper that an enquiry has been going on to ascertain whether information about the plot to murder Gandhiji was furnished by late Shri Balukaka Kanitkar. I have myself heard that late Shri Balukaka Kanitkar did inform late Shri Kher and late Sardar Patel (then Union Minister). No one believed this. This is what late Shri Kher told me when I had met him.

I have come down to Bombay at present for medical treatment and propose to stay till the 10th instant."

In his deposition he has supported what he wrote in his letter by saying "whatever is written in the letter is exactly what I meant". He went further and said that Mr. Kher himself had told him

(Bhagwat) that he did not believe what Balukaka had written, nor what he (Bhagwat) had written about the danger to the Mahatma's life and that we were only imagining.

20.93 The most striking words in the speech as deposed to by Mr. G.V. Ketkar were those where Godse said: "Gandhiji says he would live for 125 years—yes, if anybody allows him to live". It was submitted by Mr. Kotwal with some emphasis that these words were so telling that if they had been uttered they would have caught the attention of the whole audience and conveyed to them that there was danger and threat to the life of Mahatma Gandhi and also they would not have escaped the notice of the police reporters, assuming that they were sufficiently diligent and careful and also efficient, not lukewarm towards Godse or his cult. From any standards these words are very telling and stand out as a red signal of impending danger, something really indicative of a sinister threat to the life of Gandhiji and perhaps pointed out as to who would put that threat into operation. Of the portion of the speech the sentence, "if anybody allows him to live", is the more sinister and may properly be taken to clearly indicate that the speaker was either himself going to cut short that precious life or he knew for certain that somebody else was going to do so. Obviously, he was not thinking of death from natural causes or of the call by the Yama.

20.94 Another important piece of evidence bearing on the factum of these words having been uttered and what inference one could draw from them is a portion of the statement of Mr. Ketkar himself. He was examined about the alleged utterance of Nathuram Godse and what it conveyed to him. The relevant question and answer are at page 16 of his testimony, which when quoted are as follows—

- "Q. Did you infer this intention from only the words of Godse which you have referred to in your evidence i.e. Gandhi will live 125 years if anybody allows him to live?
- A. He might have said something more but I did not hear. B.K. Kanitkar was also there. It was really he who inferred the intention from these words. I did not infer at that time from the speech that he was going to murder M. Gandhi but B.K. Kanitkar did infer."

Thus it shows, astonishingly though, that the threat in the words used was not so understood by Mr. G.V. Ketkar although it was by Balukaka Kanitkar. If these words were uttered, then it is difficult to imagine why Mr. Ketkar who claims to have been instrumental in getting a letter sent should not have considered them to be dangerous or should not have noticed the fangs.

20.95 Ordinarily, unless the language used is guarded or words are cleverly chosen to clothe murderous threats or sinister designs or they are expressed in dubious words, the meaning of threatening language should convey the same meaning to all intelligent people if not the "common man". And the Commission finds nothing in the words deposed to by Mr. Ketkar which could be capable of having any other meaning than threat to the life of the Mahatma, which the speaker clearly intended to hold out. Here the words did not have any double meaning and were quite clear. As a matter of fact, Mr. Ketkar has himself been harping on the dangerous trend of the words used by Nathuram Godse. There is no reason suggested why

at that time when the speech was made the conclusion of Mr. Balukaka Kanitkar was that the speech was dangerous and of Mr. Ketkar that it was not. Under these circumstances, could it logically and properly be said that a person, who did not think the words to be dangerous, would impress upon another who did, that the latter should convey the contents of the speech to the Government and to warn it of the danger which the words signified? In the opinion of the Commission, the significant words, if they were uttered, should have been as striking to and should have so impressed Mr. G.V. Ketkar as they did Balukaka Kanitkar, as indeed they would have impressed every other intelligent person, who was present at the meeting. And if Mr. Ketkar did not think the words to be dangerous, could it be fairly said that Mr. Ketkar asked Balukaka Kanitkar to warn Government of the danger? Or, to put it in another way, would it not be a fair inference that the words were not uttered and the warning could not have been by Mr. Ketkar? Further according to Mr. Ketkar, police reporters were present at the meeting. If the sinister words indicating or pointing to dangerous consequences were uttered, then unless they were grossly careless, stupid or dishonest, there is no reason why they should not have incorporated them in their reports of the meeting addressed *inter alia* by Nathuram Godse.

20.96 Mr. Ketkar has deposed that Jayaprakash Narayan made two speeches and it was in reply to one of them that Nathuram Godse made a speech in July 1947 wherein he uttered those sinister words. Mr. J.P. Narayan has appeared as witness, No. 98. He was unable to say whether he made a speech in Poona in the middle of 1947 or thereabouts and one cannot blame him the matter being over 20 years old. But the Bombay Government has placed reports of two speeches made by Mr. J.P. Narayan on the same day i.e. November 26, 1947, Ex. 122 and Ex. 122-A; the former at Kirkee Bazar at about 5 P.M., which was a meeting of the Arsenal workers; and the latter at S.P. College, Poona, at 7 P.M. where he criticised the Hindu Rashtra ideology and those advocating it. The latter is a kind of speech, which might have provoked Nathuram Godse to make an inflammatory and even a violent speech, which he did make, as is shown by the report of the meeting of Hindu Mahasabha at the Shivaji Mandir on November 28, 1947.

20.97 But the speech referred to by Mr. Ketkar was in July. Although Mr. J.P. Narayan is not sure about the time of his coming to Poona and addressing a meeting there, there is no proof that he was in Poona in July 1947 except Mr. Ketkar's rather shaky memory. Against Mr. Ketkar's memory is the speech of Mr. J.P. Narayan itself. The speech begins by saying that he was addressing the Poona people after a long time and many changes had since taken place. The country was free and during the negotiations the Socialists had warned the Congress against accepting the Cabinet Mission proposals and that the Congress disregarded the protest which resulted in the Partition of the country. All this points to Mr. J.P. Narayan not being in Poona in July 1947 because the period mentioned in the speech covers the period before July. Secondly, Mr. J.P. Narayan was a leader of all-India importance and all his speeches were required to be reported *in verbatim* and in full so that if there were another speech it would have found a place in police reports and

there does not seem to be any reason why this speech should not have been reported or produced if there was one. Thus the intrinsic evidence from the speech itself coupled with other evidence mentioned above shows that Mr. J.P. Narayan did not make any speech in July 1947 at Poona; and that the speech evocative of Nathuram's fury must have been the November speech of J.P. Narayan made at S.P. College two days earlier i.e. November 26, 1947.

20.98 Reports of two meetings taken down by the Police, Exs. 111 and 112, have been produced before the Commission. The former at which N.D. Apte presided was held at the Shivaji Mandir on June 12, 1947, and not in July and the subject was Delhi Session of the Hindu Mahasabha. Godse did speak at that meeting but there are no such words as are mentioned by G.V. Ketkar in the police report. The latter i.e. second meeting, was on July 3, 1947, which was organised as a "Black Day" to protest against the partition which had been agreed to. There Mr. L.B. Bhopatkar was the President and the speakers were G.V. Ketkar himself and Godse, and this meeting was at Tilak Samarak Mandir and not at Shivaji Mandir.

20.99 In his speech, Ex. 111, dated June 12, 1947, according to the Police report, what Godse had said was that Hindu Mahasabha could not win elections because the Congress had mighty propaganda machine and the only hope for the Hindus was to be united and exert their best for the establishment of Hinduism. Shivaji Maharaj should be their motto. In the second meeting recorded in Ex. 112, Godse had exhorted the Hindu youth to join the Army in order to safeguard the interests of their religion and culture, and they should display the same courage as they displayed at the time of Shivaji and the Peshwas when the Muslims had to face defeats. The younger generation should wake up and respond to the call of the Hindu nation. In neither of these reports is there any mention of such a catchy and significant though sinister phrase as Gandhiji's desire to live 125 years, etc.

20.100 The Maharashtra Government has placed before the Commission a summary of all the speeches which Godse made during the relevant period. In the dossier on Godse (Ex. 239) kept by the Police there are summaries of speeches made by him. There is no mention therein of the speech referred to in the Police statement of Balukaka Kanitkar (Ex. 81) unless Balukaka was referring to the speech of June 12, 1947, Ex. 111, and the inference he drew from the speech and from what others—the R.S.S. workers—said at the time, which will be discussed later.

20.101 It was rightly argued before the Commission that had these words or anything like them been uttered by Godse, the Police reporter would not have missed them unless he was deliberately trying to falsify and omit passages with some sinister object in order to minimise, if not to put a veil on, the evil intentions of Godse group of Hindu Mahasabha workers.

20.102 The next document which is relevant in this connection is Ex. 81, dated May 10, 1948, which is Balukaka's statement made to the Police in the Gandhi Murder Case. He there stated that in the second week of July 1947 Nathuram Godse under the presidency of N. D. Apte in Shivaji Mandir in Poona delivered a lecture at which thousands of persons were present including Balukaka

himself. In that Nathuram Godse stated that constitutional methods had failed and Hindu Mahasabha had no money and organisers to fight elections. He suggested that they should form secret organisations and take to revolutionary methods and he also hinted that the time had come to do away with the leadership of some of the top ranking Congressmen. There were a number of R.S.S. volunteers there and after the meeting was over, Balukaka Kanitkar heard some of them saying that Nathuram was right and that Gandhiji and Nehru were thorns in the establishment of Hindu Raj and hence they should be removed from their path, but Balukaka Kanitkar did not know who those volunteers were and would not be able to identify them. As in Balukaka Kanitkar's view the matters might take an ugly turn, he sent a registered letter to Mr. B. G. (Balasahib) Kher, who was in Delhi then, giving him the information of the above meeting and also about the atmosphere developing in Bombay. In that letter he suggested that protective measures should be adopted to safeguard the lives of top ranking Congress leaders, particularly Gandhiji. Later on, Mr. Kher told him at Poona that he had conveyed the information to Sardar Patel and that he was taking necessary precautions.

20.103 The words attributed to Nathuram Godse by Mr. G. V. Ketkar, and which were directed solely against Mahatma Gandhi and could have been a threat only to his life from Godse alone or from him and his co-adjutors, are significantly missing from this statement. And one could not, from what has been said and deposed to about Balukaka Kanitkar accuse him of deliberately withholding of these words or perverting the language used. It might properly be argued that there is no police report of this meeting or of the speech referred to in Ex. 81, which Nathuram Godse is alleged to have made unless Balukaka was confusing the June speech of Godse's with what he called mid-July speech. The difficulty is that human memory for dates is not always reliable and it is possible that Balukaka confused the meeting in the middle of June with the meeting in middle of July, because the subject matter of the speech there made is not very different from that mentioned in Ex. 81, Balukaka's police statement. Of course the words about taking to revolutionary methods and doing away with top Congress leaders are not in the police report. It may well be argued that if the police reporters missed these significant words, they could equally do so about the words deposed to by Mr. G. V. Ketkar. It is possible, but the difficulty is that what Balukaka said in his police statement about the speech of Godse was strengthened by a gloss of the R.S.S. volunteers who specifically mentioned the names of Gandhi and Nehru, and we have no means of checking as to how much was heard by Balukaka and how much was the result of a suggestion because of what the volunteers said. Further, there is some likeness between the speech reported by the police and the words mentioned by Balukaka but there is none between what Mr. Ketkar has put in the mouth of Godse and what is contained in the two police reports Exs. 111 and 112 i.e., the two speeches in June and July 1947. The same may be said of the contents of the dossier, Ex. 239.

20.104 As a matter of fact, and it may be repeated that the police report of a speech by Nathuram Godse, which was in reply to Mr. J. P. Narayan's speech, and is specifically so described in the

report, was produced before the Commission. But that meeting and that speech were on November 28, 1947; and the reported speech does not contain any words which have any resemblance to the threat like the one contained in the significant sentence relating to Gandhi's claiming to live for 125 years. Thus, the Commission has before it reports of two meetings in June 1947, Ex. 111, and in July 1947, Ex. 112, and also reports of J. P. Narayan's two speeches of November 1947, Ex. 122 and Ex. 122-A, and of the speech in reply made by Nathuram Godse, Ex. 71. When taken together they negative the story of the speech of July 1947, referred to by Mr. Ketkar.

20.105 The next relevant document is Ex. 11, a kind of a mercy petition by Balukaka Kanitkar to His Excellency the Governor General, Mr. C. Rajagopalachari, which is dated March 12, 1949. Balukaka Kanitkar there referred to Nathuram Godse's speech in Shivajji Mandir. According to this petition, Nathuram had openly declared that all constitutional methods of his party had failed to pull down "the Gandhi and the Congress party, terrorism culminating in the murders of Gandhiji, Pandit Jawaharlal, the Sardar (Sardar Patel) and other tall poppies in the land, was the only way left open for it", which was a terrible shock to Balukaka. Here something more is put in the mouth of Nathuram than was contained in the police statement, Ex. 81. He thereupon resolved to inform the authorities and on July 23, 1947, i.e., about six months before the assassination, he sent a registered letter to Balsahib Kher, the then Bombay Premier, who happened to be in Delhi at the time. He acquainted Mr. Kher with the openly declared plans of those people—the future assassins of Gandhiji—of murdering Gandhiji and others and requested him to ask the authorities concerned to take proper precautions for safe-guarding the lives of the Mahatma and other leaders. He then pleaded for the sentences of death to be commuted and thus stop the executions of Godse and Apte. Balukaka has there pleaded for the lives of the condemned prisoners, Godse and Apte, saying that, "Instead of.....murdering these criminals why not try to reform them". He also paid them the compliment of not being men of ordinary calibre which is not different from G. V. Ketkar's 'Kesari' article, Ex. 16. Significantly, not a word was said in this petition about the strikingly important words about Gandhiji living upto 125.

20.106 Mr. Ketkar to sustain his statement has placed on record a printed copy of an article sub-nominee "*He Ram, Kala Divas*", which was published in the "*Purusharatha*", a monthly magazine of May 23, 1956, which is Ex. 166. He did supply a printed copy of the article but not a copy of the whole issue of the magazine of that date, merely a four page Marathi leaflet without a date. Mr. Kotwal has placed before the Commission the full issue of the magazine which he obtained from the Public Library of Bombay. He has given a photostat copy of the article. The document produced before the Commission by the Government of Maharashtra was the whole issue of that magazine of that date and not merely one article separately printed. The portions in Ex. 166, the document placed before the Commission by Mr. Ketkar relating to what Godse said are not in the article contained in the copy placed before the Commission by the Maharashtra Government. The additional words contained

in Ex. 166 are within brackets in red. As to when Ex. 166 was printed, is not shown on the document as is required; and as there are very material discrepancies between the two, it is very difficult to place any reliance on this document (Ex. 166) produced by Mr. Ketkar. The material portions are important and those are not in the issue obtained from the Library. The words which are in Ex. 166, but not in the copy produced from the Library are shown in red in the photostat copies of the article. The words not in the Library copy, i.e., additions translated into English, are the following and the important passage is "B" at page 12:—

Page 4-'A'—After doing this.

Page 12-'B'—Both of them had later to go to the gallows. This fact is known to all. 'Friends! We will not now allow Gandhiji to remain alive. For all our attempts to silence (lit defeat) him have failed; The words to this effect were clearly uttered by Nathuram before the crowd that had collected in thousands. It was but impossible that I could sit quiet.

Page 15-'C'—For some of his friends had to express their grief in various ways. They came in his way. Barve could not help.

Page 18-'D'—"Friends! Let the darkness come and then we are there and so also the fair daughters of these Brahmins. We shall see!" Such types of words were they! Some more terrible words were uttered that went cutting through your heart. But my pen is not prepared to get polluted by putting them on paper. What can I do?

Page 22-'E'—And especially among the green-grocers in the Mandai.

Page 22-'F'—He was ashamed.

Pages 25

to 26-'G'—The wretched grandson of Bajirao who maintained Mastani as a keep cast an evil eye on other women. He trampled the saints' words—
'Character is the man's most precious ornament'.
And what do we see today? We see Brahmins flaunting themselves proudly among the people saying 'Among all the castes Brahmins are venerable'. We have reached the shameful state where 'The son of a Brahmin is selling eggs, *Bhajiwas* and milk and curds. He has lost himself in fashions thus bringing disgrace to his forefathers'. I am extremely pained. But who will say and laugh and to whom?

20.107 Then there is evidence of some witnesses who should have known in the usual course of their duties if the words regarding Gandhiji living upto the age of 125 years and Godse's utterance that "he (Gandhiji) would live if anybody will let him upto that age" had been uttered by Godse. These witnesses are the following: Deputy Superintendent of Police Purohit (No. 66) who was at that

time posted as a C.I.D. reporter in Poona and was a shorthand Sub-Inspector. He was present at the Shivaji Mandir meeting. He prepared the secret abstract of the Hindu Mahasabha and R.S.S. leaders' activities in Ex. 114, showing that he is not friendly towards them. His testimony is as follows:—

"As far as I can recollect, I did submit a summary report of a speech of Nathuram Godse and also of Apte. Ex. 111 is a report made by me from my shorthand notes. It is dated June 12, 1947. The meeting on 12-6-1947 was held in Shivaji Mandir. I do not recollect any other meeting where Godse or Apte made any speeches in regard to Mahatma Gandhi, or the Congress or the division of the country. I have no recollection of the speech made in Shivaji Mandir where Godse stated that 'Gandhiji said that he would live for 125 years, yes, if anybody lets him'. If such a statement had been made, it would have been recorded by our reporter and a report of it sent to Government".

20.108 The next witness on this point is Deputy Superintendent of Police, Shidore (Wit. 67) who was also in Poona in the C.I.D. and was a reporter. He reported the meeting held in Tilak Samarak Mandir on July 3, 1947. Ex. 112 was written by a shorthand reporter Kalekar. He also had no recollection of any such speech and he said that if such words in regard to Gandhiji's wish of living upto the age of 125 years had been uttered by Godse they would have found a place in the shorthand records.

20.109 Witness No. 68 is Dy. S. P. Angarkar, who was in the Intelligence Branch as an Inspector. He was specifically asked about Godse's speech relating to Gandhiji's wish of living upto the age of 125 years. He stated that if such a speech had been made, it would have come to his knowledge and he would have brought it to the notice of the D.I.G., C.I.D., through proper channel. The D. I. G., C. I. D., Mr. Rana (witness No. 3) also deposed that no report about Nathuram Godse's speech relating to Gandhiji's wish of living upto 125 years was brought to his notice and the D.S.P. Pravin Sinhji (witness No. 38) was also specifically asked this question. He stated that he had no recollection of any meeting where Nathuram Godse had stated anything indicating danger to the life of Mahatma Gandhi. "If any such meeting had been held and any such speech had been made, I would expect my LIB staff to report this to me.....I am sure that if such a threat existed or such a threat was given, I would have come to know about it and I would certainly have reported to my superiors".

20.110 Whether or not any such threat existed is not the question to be discussed at this stage; for the moment the point before the Commission is whether anything was mentioned by Godse about Gandhiji's claim of living upto 125 years, etc.

20.111 These witnesses, who would in the ordinary course of their duties have heard about it, or made a record of it, if such a speech was made, have stated that they had no such recollection. These words are very telling and significant and if they had been uttered, these witnesses should and would have reported the matter, of course assuming them to be honest, not friends or sympathisers

of Godse or of the school of thought he represented. Their not doing so is an indication of these words not having been uttered. It may be added that Mr. Dehejia (witness No. 84), who was the Home Secretary, and an alert one at that, as is shown by his notings on the files produced before the Commission, had also not heard anything about it.

20.112 If these words were not uttered, then they could not have formed the basis of Mr. G. V. Ketkar's conclusion of danger to Gandhiji's life and consequently he could not have requested Balukaka Kanitkar to warn the authorities to keep alert. Balukaka Kanitkar's police statement also does not refer to his conclusion being based on any such words still less on what Godse said but more on the gloss which in his hearing some R.S.S. volunteers put on the speech of Godse.

20.113 In an article (Ex. 16) in the 'Kesari' of November 15, 1949 the day Godse and Apte were hanged, which significantly is under the caption "National Victims of the Death-Sentence", there is a portion which has been marked Ex. 17-A. It has a sub-title "Previous warnings of danger neglected". This portion, Mr. G. V. Ketkar pressed to the consideration of the Commission in support of his claim of being instrumental in warning the authorities. It runs as follows:—

"Thereafter a similar different note was found in the speech delivered by him in Shri Shivaji Mandir in reply to the speech made by Jayaprakash Narain on the S. P. College ground. Hence it was that Shri Balukaka Kanitkar had sent a registered letter to Hon. Balasaheb Kher stating that the life of Congress leaders was in danger and that it was necessary to tighten up Government measures in that connection. Godse in his speeches used to express his fury against our leaders who were falling a prey to the tactics of Jinnah. The said speech contained a sentence meaning 'Gandhiji says that he would live for 125 years. Yes, he will live, if only allowed to do so'. The inference drawn by Balukaka must have been based on some such sentences only. If, on receiving this letter, Hon. Kher did not feel it necessary to take a serious view thereof, he cannot be much blamed. The seriousness which subsequently attaches to these previous warnings after the dreadful occurrence has actually taken place cannot be well comprehended in advance by anyone. However, Gandhiji had a wonderful power to pacify his extremist opponents who were bent on a quarrel and to win them over to his side by means of his influence. The same had become an object of unflinching faith among all people, great and small, as a result of several experiences. The said faith was deep-rooted not only in the devotees of Gandhiji but also in his opponents".

20.114 No doubt in this article which was written during the life time of Balukaka Kanitkar there is a reference to the sentence... of 125 years' claim of life by Mahatma Gandhi, etc. But it is significant to note that there is no claim by Mr. Ketkar in this portion that it was he who had asked Balukaka Kanitkar to write the letter

to the then Premier, Mr. Kher. This article also said that Godse in his speech used to express fury against Congress leaders who had fallen a prey to Jinnah, and then there is mention about Gandhiji's wish that he would live upto 125 years, and then the article says that Balukaka must have drawn his inference from some such sentences which clearly showed that it was not Ketkar who had asked Balukaka to write the letter but he must have done so from some such statement. It does not even mention that both Balukaka and Ketkar were present at the meeting and as a result of mutual arrangement under which Balukaka wrote to Government. Whatever it may or may not do, it does not support Mr. Ketkar's claim that he had warned the Government against the danger to the Mahatma's life and that he had done so through Balukaka Kanitkar. On the other hand, it only indicates that Balukaka had written a letter giving a warning.

20.115 Mr. Ketkar has then referred to a letter which Balukaka Kanitkar had written to Mr. Ketkar (Ex. 23), dated November 17, 1949, two days after the publication of the article in the 'Kesari'. Because a great deal of reliance has been placed on this letter, it is necessary to examine it in some detail. It states that there was some misunderstanding in the minds of the people who were misinformed about the facts regarding Mr. Kher and the emphasis is on Kher and misunderstanding *qua* him. It does not say what facts the people were misinformed about. It states that 6 months before the murder of the Mahatma he (Balukaka) had, as a precautionary measure, written to the Chief Minister, really Premier, Mr. Kher, who was in Delhi then, and that reference to the letter in the article had paved the way for clearing the misunderstanding. It proceeds to say that injustice had been done to Mr. Kher that he was negligent. But as a matter of fact, there was no lapse on his part. He showed the letter immediately to the Union Home Minister, Sardar Patel, that in the appeal made to the Governor General he (Kanitkar) had specifically mentioned about the assurance given by Mr. Kher. It again emphasises that misunderstanding in the minds of the people about Kher must be removed by publishing the letter to the Governor General in the 'Kesari'. The negligence, it says, was of the local responsible officials—reference being to the Delhi police. According to Balukaka Kanitkar, local officials should have put a fencing 20 to 30 ft. away from the place where Gandhiji sat during the prayers which would have averted the tragedy. It goes on to say that Gandhiji was opposed to search being made of persons who attended the prayers. But in spite of that the local authorities should have conducted the utmost precautions and some sort of cordoning should have been done. Whatever else this letter may show or not show, it does not say that what Balukaka Kanitkar wrote to Mr. Kher was at the instance of Ketkar.

20.116 Mr. Ketkar, when in the witness box, was specifically asked whether he ever stated during the life time of Balukaka that the information which the latter gave was at his instance. His reply to this specific question was as follows—

"I have written in the article (Ex. 16) that Balukaka had written the letter after certain words had been spoken by Godse at a particular meeting".

The answer, to say the least, was evasive and there is no assertion even that he had done so during Balukaka's life time.

20.117 He was next asked whether Balukaka had made any reference in his letter to him (Ketkar), (Ex. 23), that he had sent the warning at his instance. His reply was—

"Yes, because the letter was addressed to *The Kesari* for publication and not sent to me personally".

This explanation does not support the claim of Mr. Ketkar that anything was written by Balukaka at his instance.

20.118 Mr. G. V. Ketkar gave an explanatory statement to the 'Indian Express' which was published in its issue of November 17, 1964. He therein stated that this news item published in the newspaper was generally correct. To quote his own words as given in the newspaper's report, he said—

"Published reports of that speech are generally correct. I had spoken about it (Nathuram's intention) to the late Balukaka Kanitkar. He (Kanitkar) had then written to the then Chief Minister, B. G. Kher, informing him Nathuram's intention. Kanitkar had shown me a copy of that letter (to Kher)".

20.119 This report shows that Balukaka Kanitkar was not present at the meeting but it was Mr. G. V. Ketkar who apprised Balukaka Kanitkar of Nathuram's intention and then Balukaka Kanitkar wrote to Government.

20.120 The way this clarificatory statement is worded completely negatives Ketkar's story of both Balukaka Kanitkar and himself being present at the meeting together. The words having been uttered by Godse and the talk subsequent to that between Ketkar and Kanitkar as to the evil designs of Godse are contradicted by the clarificatory statement. It gives one the idea that Balukaka was not present, that only Mr. Ketkar was present, and that Mr. Ketkar gave this information to Balukaka Kanitkar who in turn wrote to Mr. Kher.

20.121 It was urged before the Commission that this claim of the letter having been written to Mr. Kher at Mr. Ketkar's instance is a complete invention with the object of creating defence against criticism and to guard against the fury of the people of Poona, who had put a garland of shoes round his neck after his disclosures and after the severe criticism in the Press where the whole function was described as "a sordid reminder of the ugly spirit which still moved some people in the country" and that "the Poona reception was a shame beyond description".

20.122 Balukaka Kanitkar, in four documents relevant to the point in controversy, has given his version of what was alleged to have been said by Godse at a public meeting at Shivaji Mandir. First, there is the letter which he had sent to Mr. Kher. This is not before the Commission as it was addressed to the Bombay Premier while at Delhi and we do not know what happened to it. All we know is what Mr. Morarji Desai has said. His version is that no names were mentioned to him (Mr. Desai); and that it indicated a general danger to the leaders of the Congress and to Gandhiji.

20.123 The next document in which Balukaka Kanitkar's version can be found is his statement to the police (Ex. 81), wherein the name of Nathuram Godse has been mentioned and where there is a suggestion that the Hindus should take to revolutionary methods and do away with the leadership of the top ranking Congressmen and the suggestion against Gandhiji and Nehru came as a gloss from the R.S.S. volunteers.

20.124 The third document is Ex. 11—the mercy petition—where also mention was made of Nathuram's saying that constitutional methods had failed and the murder of Gandhiji and Pandit Jawaharlal Nehru, the Sardar and the other tall poppies was the only remedy. This goes further than Ex. 81 and puts dangerous words in the mouth of Nathuram; but there is nothing to show that Mr. Ketkar had anything to do with the sending of the warning.

20.125 In the fourth document, the article in the "*Purusharatha*" (Ex. 166), there is an addition, if not interpolation, in regard to the speech of Nathuram Godse which the copy of the Magazine produced from the Library does not contain.

20.126 These documents are not in accord with each other and there is progressively something, more in each successive documents, but even then there is no mention of two things, namely, (i) about the speech of Nathuram's mentioning about Gandhiji's claim of living upto the age of 125 years and he would if allowed to do so; and (ii) any information having been given by Mr. G. V. Ketkar i.e. whether the letter was written by Balukaka at his instance. In these two matters the documents are consistently in accord and equally silent.

20.127 There is a letter produced by Mr. Ketkar—an appreciatory letter—which Balukaka Kanitkar wrote to Mr. Ketkar after he had published the article in the '*Kesari*' on November 16, 1949, when Godse and Apte were hanged. Whether that article absolves Mr. Kher of any negligence or not is not the point for discussion at this stage; certainly, it does not give support to the claim of Mr. G. V. Ketkar of his having been instrumental in getting the letter of warning sent through Balukaka Kanitkar.

20.128 Another corroboratory piece of evidence in regard to the letter of Balukaka is the statement of S. R. Bhagwat (Witness No. 69). He wrote the letter (Ex. 115) to Balukaka's son and has admitted doing so and has also sworn to the correctness of the letter.

20.129 Commission is of the opinion that a letter was written by Balukaka Kanitkar to Balasahib Kher. But what its exact contents were, will never be known because both the writer of the letter and the addressee are dead and nobody who is now alive seems to have read the letter. And no copy of the letter is available, because Balukaka Kanitkar himself said when examined by the police in the Gandhi Murder Case (Ex. 81) that he had not kept a copy of the letter but he kept a note of having sent his letter to Mr. Kher in his despatch register. Mr. Kher unfortunately did not place the letter on any official file nor disclose it to the Bombay Secretariat. The only evidence of its having been discussed with the Home Secretary was when, according to Mr. Morarji Desai, the matter of Daji Joshi was discussed between Messrs Kher, Morarji Desai and that official.

We have no evidence of its contents or what relevance it had to the issue. The official documents connected with Daji Joshi do not mention it at all.

20.130 The statement of Mr. G. V. Ketkar, although he is rather vague about the dates, shows that in Poona very hostile sentiments were expressed against Gandhiji and Poona papers had indirectly created an atmosphere inducing to violence with occasional news that something terrible was going to happen. The atmosphere in Poona was against the Congress leaders, including Gandhiji, because they had accepted the partition of the country and everybody's impression was that it was at the dictation of Gandhiji that Congress was acting in every matter; but the real reason for hostility against Gandhiji was the partition of the country. Subsequently, there were other causes also e.g. the massacre and looting of Hindus in the Punjab and subjecting them to indignities while they were travelling by trains from the Northern areas like Bannu. Lastly, it was the giving of 55 crores of rupees under a threat of a fast unto death. As these incidents extend over a period from before the partition somewhere about July 1947 right upto the middle of January, 1948, this statement would show that throughout this period there was a hostile atmosphere in Poona which was dangerous as it was tending towards incitement to violence and as the Mahatma was considered to be the inspiration for every action taken by the Congress, people had started putting the responsibility of all these ugly incidents upon him and their ire was directed against him.

20.131 As Mr. G. V. Ketkar deposed that he had disclosed to Mr. R. K. Khadilkar about what he had observed, what he had heard, and about what Godse had told him when the two of them were travelling by car between Bombay and Poona, Commission thought it necessary to examine Mr. Khadilkar who readily consented to appear before the Commission. But he had no recollection of Mr. Ketkar's statement. His own statement is very revealing and he stated this: See paragraphs 132—150.

20.132 There were rumours before the 20th January, 1948 of a conspiracy in Poona to attack Gandhiji. The rumour was that something will happen to Gandhiji because he had succumbed to the pressure of those who were advocating partition, he was responsible for giving away 55 crores to Pakistan; the people were, therefore, saying that there is no escape for Gandhiji.

20.133 One instance of the opposition of the fanatical group of the Hindu Mahasabha against Gandhiji, he mentioned that there was a proposal of a joint meeting to celebrate the anniversary of Tilak's death on 1st August which it was thought would be a good gesture and Mahatma Gandhi was to be invited to be the main speaker. Although Mr. N. C. Kelkar was agreeable, the others were averse to it and led by Nathuram Godse they threatened that they would disturb the meeting and hold a parallel meeting. As a consequence of this the proposal was dropped.

20.134 The atmosphere in Poona was highly tense and critical of Mahatma Gandhi though there were no open threats. The writings in the Press and the trend of public speeches made, as also private talks, showed that people were critical of Mahatma because they

thought that he had betrayed India which they identified with Hindus only. This idea was prominently mentioned in the 'Hindu Rashtra' and the Hindu Mahasabha paper called the 'Kal'.

20.135 He (Mr. Khadilkar) knew Badge, who was then working in the Hyderabad Liberation Movement but he never knew that he was an associate of Nathuram Godse or that he was inclined to violence against the Mahatma. After the bomb was thrown there was consternation in Mr. Khadilkar's party and disappointment in the Hindu Mahasabha camp. The former was quite outraged by the fact that while a Congress Government was in power an attempt should be made on the life of Mahatma Gandhi, because nobody whether communist, leftist or politician of any other hue, wanted Gandhiji to be injured, much less killed.

20.136 It was after the bomb was thrown that Mr. Khadilkar came to know about Balukaka's warning to the authorities of there being persistent rumours in Poona that some conspiracy was hatching to kill Mahatmaji. As Balukaka had informed the authorities, Mr. Khadilkar took no steps to apprise the authorities of this matter. Senior Congress people like Kaka Gadgil, K. Jedhe, S. S. More and others, were all under the impression that Balukaka had given the information and there was no need to do anything more. That is hardly a justification for inaction.

20.137 Before the bomb was thrown the atmosphere was poisoned and after the attempt there was alarm. "The local police intelligence were almost with us and they knew everything", and, therefore, Mr. Khadilkar and his party did not inform the authorities of what was happening. This, in the opinion of the Commission, is an inexcusable *alibi*.

20.138 Mr. Khadilkar said that Badge was with Madanlal when the first attempt was made. "I am absolutely certain that before the first attempt was made and after the partition and the giving of 55 crores the atmosphere in Poona was highly poisonous and antagonistic towards Mahatma Gandhi and they thought that if he continued, he would damage the country without there being any remedy; to put it clearly, he would barter away the country to appease Pakistan". Government was being blamed for not taking proper precautions against the movement and they blamed the Bombay Government more because they had to take precautions in Poona. "I would again like to say that Poona police intelligence was with us. They were sensing what was happening in the city..... and we could never imagine that they would not apprise the Government of what the true state of affairs was".

20.139 After the giving of the 55 crores the writings in the Press showed that the anger of the people was directed against those who had betrayed the country rather than against the Muslims and it was not correct that the violence was to be directed against the Muslims but the real fact was that it was directed against the Congress and Mahatma Gandhi. Although Mr. Khadilkar and his friends did not warn the authorities in Bombay or in Delhi, they were all concerned about the safety of Mahatma's life. Unfortunately they showed no demonstrative proof of it.

20.140 Mr. Khadilkar made it clear that Balukaka had written about the danger to the Congress leaders, including Mahatma Gandhi, before the bomb was thrown, but he could not remember if anyone had warned the Government between the throwing of the bomb and the murder of Mahatma Gandhi. It was unfortunate that they relied too much on the intelligence which they, including the witness, thought was "with us".

20.141 The atmosphere for some time was surcharged with communal fanaticism and that also directed against Gandhiji who was considered the prime mover of the appeasement of Muslims.

20.142 Mr. Khadilkar knew Badge to whom he had given a little assistance as he was a poor man but, as said before, he was wholly unaware of the fact that he was a confederate of Godse and people like him.

20.143 The portion of Mr. N. V. Gadgil's article, Ex. 103, dealing with hostile language being used against Gandhiji in Poona was read out to Mr. Khadilkar, and he agreed with it. He added that Prime Minister Nehru was not a target of people's criticism in the Poona Press. He himself had no knowledge of the alleged send-off being given to Godse and others when they left Poona for Delhi on their nefarious mission of assassination.

20.144 When asked why he did not convey the true feelings of the people to the authorities, he said that he was at that time a protestant against the Congress and he thought that they would not take him seriously.

20.145 In cross-examination by Mr. Kotwal, he said that he had no knowledge of the conspiracy, still less as to who were to take part in it, nor that any such offence was likely to be committed. Only he was sensing danger of something happening and he could not go any further, i. e., he did not know what was likely to happen nor who was going to do it. They all sensed danger to Gandhiji from that camp which was advocating Hindu fanaticism and which was in Poona. He was put a specific question whether he connected the movement with Poona, Nagpur, Allahabad, Delhi or some other place, his reply was "Poona". He did not agree with Mr. Morarji Desai that the danger to Mahatma Gandhi was from three quarters e.g. the Hindu fanatics, the refugees, and the Muslims. As far as his knowledge went, the danger was from a small section of Hindu fanatics belonging to Hindu Rashtra Dal. It was the Hindu Mahasabha paper which was bitterly criticising Gandhiji in Poona. Those papers were the 'Kal', the 'Trikal', and the 'Agrani' or the 'Hindu Rashtra'. The witness added that Congressmen to whichever group they belonged were anxious about the safety of the Mahatma and nobody could tolerate harm coming to him and, though the Hindu Mahasabha was opposed to Mahatma, nobody could have imagined that they would go to the extent of killing him. The witness said, "The inference that there was a danger to Mahatma Gandhi's life is drawn from the writings in the Press at that time and in the light of what happened subsequently". Asked whether it was not correct that the murder was not mentioned in so many words, his reply was, "some suggestive writings were there and dark hints were thrown". He mentioned the name of Prof. S. M. Mate who did write something in that strain.

20.146 The 'Agrani' or the 'Hindu Rashtra' was most militant against Mahatmaji.

20.147 When asked if he meant that before the 20th of January the Hindu Mahasabha camp knew that an attempt was going to be made on the Mahatma, his reply was that that was his inference. He added that even if Balukaka had not given that information, he would not have communicated anything to the Congress Ministers because of their strained relations. But Balukaka wrote because he had some definite knowledge. He himself would also have run to Bombay if he had definite information in spite of the differences.

20.148 The Commission asked him whether there was any deliberate lack of vigilance. He replied, "No; I would not go so far as that but I can say that there was general lack of vigilance".

20.149 Mr. Khadilkar added that the writings of G. V. Ketkar indicated that he was the mentor of the fanatical portion of the Hindu Mahasabha.

20.150 Ex. 114 was put to him which deals with the activities of the leaders of the Hindu Mahasabha. He agreed with it generally.

20.151 The statement of Mr. Khadilkar comes to this—

- (i) Poona was seething with venomous antagonism against Mahatma Gandhi. He was considered responsible for the partition, the giving of 55 crores and miseries of the Hindus which was synonymous with the country.
- (ii) Talks in private, speeches in public, public press all reflected this extremely critical attitude against the Mahatma and presaged disaster for him.
- (iii) Mr. Khadilkar and his companions thought that the police knew and they would inform the Government.
- (iv) He himself not being friendly with the Congress party and because the Poona Intelligence Police "was with us", he was reluctant to inform the Government. But he also said that if he had definite information which Balukaka Kanitkar had, he would have gone to Bombay and conveyed the information. Perhaps a registered letter or a talk with the District Magistrate or the D.S.P. would have been sufficient. But these officials were never approached or informed.

20.152 Mr. Khadilkar's evidence is corroborative of the other evidence of the hostile atmosphere in Poona which was reeking with Hindu chauvinism, at least in certain quarters like Savarkarites, who had adopted an utterly uncompromising attitude against Mahatma Gandhi whom they considered the architect of Hindu denigration and appeasement of the Mohammedan.

20.153 Because of the great importance of the first term of reference which runs as follows—

Whether any persons, in particular Shri Gajanan Viswanath Ketkar, of Poona, had prior information of the conspiracy

of Nathuram Vinayak Godse and others to assassinate Mahatma Gandhi—

the Commission has discussed the evidence at great length. It has set out and analysed the evidence of Mr. G. V. Ketkar and the relevant documents which have bearing on his statement. It has also discussed the evidence afforded by the documents dealing with Balukaka Kanitkar. It has also discussed the evidence of Mr. S. R. Bhagwat, witness No. 69, as also the evidence of police officers whose duty it was to report the speeches made the workers of communal and other parties, the former including the Hindu Mahasabha, the R.S.S., and the Rashtra Dal. The evidence placed before the Commission shows that the claim of Mr. G. V. Ketkar that he and Balukaka together heard a speech made by Nathuram Godse, in which he said that 'Mahatma Gandhi claims that he will live for 125 years; yes, he will if he is allowed to do so' is not made out. The evidence does not show that Balukaka Kanitkar and Mr. G. V. Ketkar were together at the alleged meeting. The statements of Mr. G. V. Ketkar himself are varying and contradictory on this point and there is no reliable evidence before this Commission showing that such a speech was made, or, if it was made, both Balukaka Kanitkar and Mr. G. V. Ketkar were present at the meeting.

20.154 It appears to the Commission that the fact that Balukaka Kanitkar did write a letter to Mr. B. G. Kher about the danger to the life of top Congress leaders, has been made the basis of Mr. Ketkar's claim that it was at his instance that the information was given. As a matter of fact, there is nothing to show that Mr. Ketkar was in any manner instrumental in getting that letter sent.

20.155 The evidence of Mr. Ketkar is full of inconsistencies, inaccuracies and contradictions, and it is difficult to hold on that evidence that Balukaka Kanitkar wrote any letter at the instance of Mr. G. V. Ketkar. Whatever he did, he must have done on his own and the credit of it cannot go to Mr. G. V. Ketkar.

20.156 Mr. Ketkar has stated that in October or November 1947, Nathuram Godse came to him and he (Ketkar) tackled him about his threats to the life of Mahatma Gandhi and that Nathuram admitted to him that he was going to murder Mahatma Gandhi. Mr. Ketkar says so and there is no reason why his statement on this point should not be accepted. But it is surprising that the speech about 125 years made Mr. Ketkar to induce Balukaka Kanitkar to write to Government and he was utterly inactive in regard to a clearer threat given by Nathuram Godse, of which matter only Mr. Ketkar was aware.

20.157 The third occasion on which Mr. G. V. Ketkar came to know about the threat to Mahatma Gandhi's life was when soon after the Birla House bomb incident he met Badge who gave him information about the conspiracy to kill Mahatma Gandhi; who were in it, and that after the failure of the throwing of the bomb, the conspirators were going to repeat their attempt. D. R. Badge was at one time an employee of Mr. G. V. Ketkar. Again, Mr. Ketkar took no steps to prevent such a catastrophic happening, nor inform any authority or anyone else about it.

20.158 The other persons who knew anything about the danger to Mahatma Gandhi's life but not about any conspiracy to murder were Balukaka Kanitkar and Mr. S. R. Bhagwat. There is evidence that the former wrote to Mr. B. G. Kher but there is no clear evidence as to what he wrote. His letter Ex. 11 does say that he had mentioned the danger from "these people" i.e. Godse and Apte, but this he did not say in his police statement, Ex. 81, and what he exactly wrote in his letter to Mr. B. G. Kher is not clearly proved. His later statements steadily improve one on the other. The evidence only shows this, that he apprehended danger to the life of top Congress leaders. The information which was conveyed to Mr. B. G. Kher and by him to Mr. Morarji Desai was vague and nebulous, although Mr. Desai does say that Balukaka did say that Mahatma Gandhi's life was in danger and the atmosphere in Poona was tense.

20.159 Evidence of Mr. Khadilkar does show that the atmosphere in Poona was tense against Gandhiji, that the Hindu Mahasabha newspapers were writing inciting articles but he also does not seem to have done anything to apprise anyone about the danger to Mahatma Gandhi's life. His plea that 'police was with us' is denied by Dy. S. P. Angarkar, and that he not being in the Congress and the likelihood of being misunderstood is hardly a ground for inaction.

20.160 There is evidence of Mr. N. V. Gadgil given before Mr. Pathak that Mr. Khesavrao Jedhe, M.C.A., had give him some enigmatic information about the danger to Mahatma Gandhi's life; but in spite of his knowing that Nathuram Godse etc. had been given a send-off before going to murder Mahatma Gandhi, he took no action in regard to the matter. He did not inform anybody, not even Mr. Gadgil. It is difficult to say what was the extent of his knowledge and what was the source of his knowledge. As both Mr. Gadgil as well as Mr. Jedhe are dead, it is not possible to give any finding in regard to Mr. Jedhe's claim. But this much does appear that the atmosphere in Poona was tense against Congress leaders, including Mahatma Gandhi.

20.161 On the first term of reference, therefore, the finding of the Commission is that some persons, including Mr. G. V. Ketkar, had prior knowledge of the danger to Mahatma Gandhi's life, but with the exception of Mr. G. V. Ketkar nobody had any information in regard to the conspiracy of which the architect was Nathuram Godse. No other witness, excepting Mr. Ketkar, has deposed to the likelihood of any danger to the life of Mahatma Gandhi from Nathuram Godse, still less of any conspiracy.

CHAPTER—XXI-A

DELHI

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CHAPTER XXI

TERM OF REFERENCE (b)—PRIOR KNOWLEDGE

A. DELHI

Information with Sardar

21.1 What information the Sardar had in regard to (i) danger to the life of Mahatma Gandhi, (ii) about the conspiracy to murder Mahatma Gandhi, and (iii) where the danger was from and from whom has been deposed to by three important witnesses, Mr. V. Shankar, I.C.S., Mr. R.N. Bannerjee I.C.S. (Retired), and Miss Maniben Patel M.P., daughter of Sardar Patel.

Mr. V. Shankar, Wit. 1(P), Wit. 10(K)—

21.2 Mr. Shankar who at the relevant time i.e. in 1947-48, was Private Secretary to the Home Minister Sardar Patel, had some important information to give to the Commission.

21.3 In paragraph 9 of his statement before Mr. Pathak, he has said, "Actually, I think, both he and Premier and the Home Minister of Bombay knew that this conspiracy was probably on but the question was who were in it. For instance, even such a man as Mr. N.C. Kelkar, editor of the Kesari was mentioned."

21.4 He stated that from the intelligence reports as also from the discussion which Sardar Patel had with the Bombay Premier and the Bombay Home Minister he (Sardar Patel) knew that there was a move to assassinate Mahatma Gandhi and also that perhaps the centre of the movement was at Poona and eventually it proved to be correct, i.e. the conspiracy of Nathuram Godse and others. He added, "I know that during this period all sorts of rumours were prevailing and naturally the police had to screen the information that came to their notice and took action when it was warranted". But the first concrete evidence on the basis of which any effective action could be taken was the confessional statement of Madanlal made to the police after his arrest in connection with explosion of the bomb which on January 20, 1948, was exploded at the prayer meeting.

21.5 Mr. Shankar stated that political thinking took a serious form after Gandhiji's fast. The atmosphere was surcharged against Pakistan both because of the partition and because of Kashmir invasion. People had started interrupting Gandhiji's prayer meetings protesting against both his philosophy and methods of dealing with the situation and for his taking up the cause of the Muslims in India as against what the Hindu and Sikh refugees thought should be done for them so much so that Mahatma Gandhi wanted to go and reside in a Muslim locality in order to prevent the eviction of Muslims which caused a great deal of sensation, but Sardar Patel succeeded in dissuading Gandhiji from doing so. These anti-Gandhi feelings were accentuated because Gandhiji agreed to insist on the payment of 55 crores as a moral issue.

21.6 Further Mr. Shankar said that the police did not get any concrete or tangible evidence of the conspirators until they got the confessional statement of Madanlal and "I know that after that statement both the Intelligence Bureau and the Bombay Police were not on the trail of those whose names had been mentioned by Mr. Madanlal. Special groups of people were sent to trace them out from their reported places of refuge, but they evaded police parties". This must have been on the basis of erroneous information because there is little proof in favour of this statement.

21.7 Mr. Shankar was re-called before this Commission as witness No. 10. He stated that he did not know about the chain of talks between Ketkar and Balukaka Kanitkar or the latter informing Balasaheb Kher or any talk taking place between Mr. Kher and Mr. Morarji Desai and Sardar Patel.

"My impression is that there was information of the existence of a hostile camp in Poona which was then known as the Kesari School of thought against Gandhiji and Dr. Savarkar was said to be the inspirer of that school and as far as I know their activities were kept under watch by the Bombay Special Branch." In cross-examination he said that it was not specifically known before Madanlal's statement that there was a conspiracy to murder Mahatma Gandhi. "At least I did not know either about Ketkar or about Kanitkar". He had no recollection of Mr. Morarji Desai giving any information to the Sardar at Ahmedabad nor did he know anything about Professor Jain.

21.8 Before Sardar Patel left for Bihar, i.e. before the 27th January, 1948, he had seen the statement of Madanlal. It may be that a gist of the statement was given to him by Mr. Sanjevi but Mr. Shankar clearly remembered that the Sardar had told Sanjevi to keep persons mentioned by Madanlal under "surveillance".

Commission does not find any proof of this direction having been carried out. He again repeated that before Madanlal's statement, Sardar was ignorant of the conspiracy to murder Mahatma Gandhi.

21.9 In regard to the conspiracy Mr. Kher or Mr. Morarji Desai used to tell Sardar on the telephone but there it appears the reference is not to any particular conspiracy but just the "movement" to kill Mahatma Gandhi.

21.10 Mr. Shankar was shown Ex. 5 and Ex. 6. He could not say what statement was seen by Sardar but it certainly was more detailed than what was contained in Ex. 5.

21.11 Misfortune of the Hindus as a consequence of partition was ascribed by many people to the appeasement policy of the Congress for which Mahatma Gandhi was being held responsible and the Kesari school of thought of Maharashtra was openly blaming him. The matter was not so serious till the Mahatma started his fast and it increased in seriousness still more because of the issue of Kashmir, the plight of the refugees and the atrocities on the Hindus in Pakistan. People were objecting to the philosophy of Mahatma Gandhi.

21.12 According to this witness, and he should know—

- (1) There were rumours of danger to Mahatma's life. The rumours were, however, vague

- (2) Sardar Patel, Balasaheb Kher, Premier of Bombay, and Mr. Morarji Desai knew that there was a "movement" to kill but not who were in it; even Mr. N.C. Kelkar of the Kesari was at one time suspected but there was no tangible evidence about it or what quarter the danger was from.
- (3) Mr. Kher and Morarji Desai used to speak to Sardar Patel on the telephone about a conspiracy but not any particular conspiracy.
- (4) There was a hostile camp—The Kesari Camp—inspired by Savarkar but it was being watched by the Bombay Special Branch. The Commission, however, finds no proof of this watch except what Nagarvala did after Mr. Morarji Desai conveyed to him the information furnished by Prof. Jain.
- (5) Before January 27, 1948, Sanjevi gave Sardar Patel a gist of Madanlal's statement and Sardar had seen the statement and had told Sanjevi to keep a watch "surveillance" over persons mentioned by Madanlal. Mr. Shankar did not say who those persons were.
- (6) Mr. Shankar did not know about Jain or Ketkar or Kanitkar.
- (7) He does not know what information Mr. Morarji Desai gave to Sardar Patel at Ahmedabad on 22nd January, 1948.
- (8) But there is no evidence of the Sardar telling his Secretariat anything about danger to the life of Gandhiji or about any conspiracy to murder Gandhiji.
- (9) He knows nothing about Ketkar or Kanitkar or what they wrote to Mr. Kher.

Mr. Bannerjee, Wit. 19—

21.13 Mr. R. N. Bannerjee, who was the Home Secretary at the relevant time appeared before Mr. Pathak as witness No. 17 and before this Commission as witness No. 19. Before Mr. Pathak he stated that if the police had known about the conspiracy to murder Mahatma Gandhi before the bomb was thrown they should have informed him (Bannerjee) about it. Madanlal in his statement gave the names and particulars and two or three haunts in Bombay of the conspirators and also used the words "Phir Ayega" (they will come again). According to this witness, there was a full story of the conspiracy in the statement of Madanlal of the 20th January.

21.14 Before this Commission he stated that as far as he remembered no newspaper gave out the story of the conspiracy and Mr. Sanjevi never gave him any information in regard to it. The first time they came to know about the conspiracy and about the statement was at the informal post funeral meeting held on 31st January, 1948 at the house of Sardar Patel the details of which have been given in the chapter *sub nomine* 'First Inquiry'.

21.15 Mr. Bannerjee said that in the statement the names of Godse and Apte were given but when his attention was drawn to Madanlal's statement, he said that it must have been guessed from the descriptions given in the statement of Madanlal coupled with the arrest of Godse. Mr. D.W. Mehra who gave him information

about the precautions taken at Mahatma Gandhi's residence at the Birla House did not tell him about the conspiracy and as a matter of fact everybody was surprised when it was mentioned at the informal meeting on the 31st January. Mr. Sanjevi mentioned at the meeting that there were two or three haunts of the conspirators where they could have been nabbed. Mr. Sanjevi, he said, did not keep in touch with him.

21.16 Mr. Bannerjee had no information as to what Mr. Morarji Desai told Sardar Patel at Ahmedabad.

21.17 He could not say how deep was the feeling against Mahatma Gandhi in the Maharashtrian region although there were reports about anti-Gandhi feeling there. In the weekly reports which were being received from Bombay there was no indication that there was danger to Mahatma Gandhi's life. He had no knowledge of Mr. Morarji Desai telling Sardar Patel anything in regard to the danger to Mahatma Gandhi's life in August 1947 or before the bomb explosion, and as has been said above, he did not have any knowledge about what Sardar was told at Ahmedabad on January 22, 1948.

21.18 This witness's statement shows—

- (1) The first time a conspiracy to murder was disclosed by Sanjevi was at the post-funeral meeting of 31-1-1948.
- (2) Sanjevi never told Bannerjee about any conspiracy.
- (3) The statement of Madanlal read out at the meeting disclosed some names, particulars and 2 or 3 haunts in Bombay of the conspirators, and the words "*Phir Ayega*".
- (4) The names of Apte and Godse were mentioned in the statement but that may be by putting together the descriptions given by Madanlal and the fact of arrest of Godse.
- (5) There was anti-Gandhi feeling in Maharashtrian region of Bombay Province but of its depth he did not know.
- (6) There was no mention of danger in weekly reports coming from Bombay.
- (7) He had no knowledge of Mr. Morarji Desai telling Sardar in August 1947 about danger to the life of the Mahatma or of what he told him at Ahmedabad on January 22, 1948.

Miss Maniben Patel, Wit. 79—

21.19 Then there is the evidence of Miss Maniben Patel witness No. 79, who was a constant and faithful companion of her father and had a fairly good knowledge of what was happening at 1, Aurangzeb Road, her father's official residence; but not those matters which were talked in her absence i.e. when she was excluded or which were talked in the Secretariat where she did not accompany her father. She has stated that she never discussed any matters of State with her father and never asked any questions or showed any undue inquisitiveness in regard to them. To correctly describe her conduct in her father's entourage, even when she was present and any matters were discussed, she sat like a sphinx and uttered not a word.

21.20 Here statement is that she did not know anything about Ketkar or about Balukaka Kanitkar and she could not say if her

father knew anything about the conspiracy nor what Mr. Morarji Desai told her father at Ahmedabad, but if there was anything serious, she said, Mr. Shankar must have found out the details from Delhi, referring really to the details of the Bomb Case. She has produced her personal diary and in the entries of January 22, 1948 there is no mention of Mr. Morarji Desai seeing Sardar Patel or giving any information.

21.21 Mr. Sanjevi, she said, used to come and see her father and talk to him about the Bomb Case. Daily information used to be sent to him about the statement of Madanlal and what was happening in the Bomb Case. Mr. Shankar showed her father the statement of Madanlal. Really what she meant was that he read out from the statement. She added that her father knew about the danger to Mahatma's life and every possible precaution was taken but she did not know anything about the "conspiracy". She did not know anything about Balukaka Kanetkar nor whether Balasaheb Kher had conveyed anything to her father in regard to the danger to Mahatma Gandhi's life. If Mr. Kher did so, he must have done it on the Secraphone now called Ultaphone or must have talked to him in his office where she was not present.

21.22 She was asked if she knew that certain things had happened in Poona and in Ahmednagar and some speeches had been made there which were indicative of an impending violence against Mahatma Gandhi, her reply was that she did not know but she only remembered that a Hindu Sabha newspaper editor from Poona came about a fortnight before the murder of Mahatma Gandhi, met Sardar Patel at 5 O'clock in the morning during his walks and complained to him about the high-handedness of Mr. Morarji Desai.

21.23 When asked what her father thought about the danger to Mahatma Gandhi's life, she said that he must have taken the matter seriously because he went to the Mahatma and asked permission for the police to search the people going to the prayer meetings, but the Mahatma did not agree.

21.24 She could not say what statement of Madanlal was brought or read to her father nor whether her father was told that the police had been sent to Bombay with a copy of the statement nor whether there was any further information available after her father came back from Patna on the 29th January. If there was any previous knowledge about the danger to Mahatma Gandhi's life then Mr. Kher must have talked to Sardar on the Secraphone. She did not know anything about it.

21.25 She said that she remembered a person named Jain, who had something to do with the information about danger to Mahatma Gandhi's life, but she could not say anything about Mr. Morarji Desai telling her father about Jain's information. She was again asked about the statement of Madanlal being conveyed to her father, her reply was "whatever Mr. Shankar has stated about fuller statement of Madanlal must be correct; the information about Madanlal's investigation was coming in bits to my father". She could not say on which dates the information was given.

21.26 In the end she stated that it was correct that there was a section which wanted to oust her father and her father, therefore, resigned and sent the resignation to Mahatma Gandhi.

Thus, according to Miss Maniben Patel—

- (1) She did not know anything about Ketkar's and Kanitkar's information given to Mr. Kher and by him to her father.
- (2) She does not know about any information given by Mr. Morarji Desai to the Sardar at Ahmedabad on the 22nd January.
- (3) After the bomb incident Sanjevi used to see her father every day and give him the progress of investigation.
- (4) Portions of the statement of Madanlal were given to her father by Mr. Shankar. He read out from the statement of Madanlal.
- (5) She did not know of the happenings and speeches in Poona or Ahmednagar indicative of danger to Mahatma's life.
- (6) The Sardar asked the Mahatma to allow a search of the visitors to Birla House prayer meetings to which the Mahatma was not agreeable.
- (7) Information about investigation was coming to the Sardar in bits.

Mr. D.W. Mehra, Wit. 23—

21.27 Witness No. 23, Mr. D.W. Mehra, stated that before the bomb was thrown at the prayer meeting, there was no indication of any kind of danger to the life of Mahatma Gandhi. He had no knowledge of any instructions to the police to keep a watch on Marathas from Bombay Province. He had given no instructions nor did he suggest to Mr. Sanjevi nor ordered any police officer that persons to whom the descriptions given by Madanlal fitted should be carefully watched. Whether Mr. Sanjevi did so or not, he did not know. But he added that if orders had been given for the search of suspicious looking persons, Mahatma Gandhi would have left Delhi as he had told Mr. Mehra himself.

21.28 Mr. Morarji Desai deposed that in August or September 1947, he conveyed the information to Mahatma Gandhi about the danger to his life but the Mahatma was a believer in God and left the matter there. He also said that he had gone to Ahmedabad on the 21st January 1948 specially to apprise Sardar Patel of the information which Jain had given him.

21.29 There is some documentary evidence relating to Balukaka Kanitkar which shows that Mr. B.G. Kher, while at Delhi, on getting the information from Balukaka Kanitkar, conveyed it to Sardar Patel. But what information was conveyed is not known or proved. Mr. S.R. Bhagwat, witness No. 69, has stated that he wrote to Sardar direct about the danger but no one took him seriously. Of course, this will depend on what he wrote but there is no corroborative proof of Mr. Bhagwat writing except that Mr. Morarji Desai has stated that if he says so, he for one would accept that statement.

21.30 The Commission has set out the evidence which is relevant to the knowledge of Sardar Patel *qua* danger to the life of Mahatma Gandhi or a plot to assassinate Mahatma Gandhi. The only official witness who, had some information about these matters, is Mr. V. Shankar witness No. 10. But even his knowledge is not very

much and whatever information he got was vague. There is no mention by him of Ketkar or Kanitkar. The danger to Mahatma's life about which information was coming could have been from the Kesari Group and even Mr. N.C. Kelkar was at one time a suspect. As Mr. Morarji Desai has said, no names were given. So even if Mr. B.G. Kher did tell the Sardar anything he could not have told him anything specific as to the persons from whom the danger was apprehended. Nathuram Godse and his companions were not mentioned. However, Mr. Shankar has no knowledge of any information given by Mr. Morarji Desai to Sardar Patel at Ahmedabad on the morning of 22nd January, 1948.

21.31 Mr. V. Shankar is vague even about what information resulted from the statement of Madanlal or who were named therein. He has stated that Sardar Patel ordered "surveillance" of those persons and the police were on their trail. But this presupposes knowledge of their names or identities or at least their descriptions and, as far as Bombay is concerned, the only names known were Karkare, Badge and Savarkar. The trailing of the first two was futile as they never came to Bombay except to catch the trains to Delhi and no one took the trouble of getting their antecedents, or who their companions and co-workers were, from the Poona Provincial C.I.D. as it was done after the murder.

21.32 Evidently the Home Minister and his personal staff were being misled by stories of trailing and special groups being on their heels. Mr. Brij Kishan Chandiwalla stated before the Commission that a Police Officer had informed him that there were nine conspirators in the bomb case and their identity the police had been able to find out. But what really happened was that the conspirators were eluding all precautions or trailing if there were any. All this comes under the chapter dealing with Police Investigation and will more properly be discussed there.

21.33 Neither Mr. Bannerjee nor Miss Maniben Patel had much knowledge at any rate not as much as Mr. Shankar and, therefore, it is not necessary to refer to their evidence at length. But this much is shown by Miss Maniben Patel that Sardar had entrusted the matter to Mr. Sanjevi who was giving whatever information he had about the case. He was the seniormost Police Officer, the D.I.B., and also I.G.P. at the time. Sardar could not do anything else. Both Mr. K.M. Munshi an eminent Advocate and Mr. R.N. Bannerjee an experienced administrator have said that once that was done, the Minister could not do or be expected to do anything more. He cannot go and investigate himself. Both Sardar Patel and Sanjevi are dead and what information, if any, Sardar had before the 20th January cannot be ascertained. It must lie buried in their bosoms. This much Mr. Shankar has said that the Sardar used to deal with these matters with Provincial Ministers which, as far as, the provinces were concerned, was the proper thing to do. But it appears that Mr. Bannerjee, the kingpin of the Home Office, was not given any information. Ordinarily, these matters would be routed through the Home Secretary but what the practice actually was has not been stated by any witness in any satisfactory manner.

Mr. N.V. Gadgil, Wit. 6(P)—

21.34 The evidence in regard to previous knowledge of Mr. N.V. Gadgil really consists of nothing more than what he was told by

Mr. Keshavrao Jedhe, a member of the Constituent Assembly, and as Mr. Gadgil was a member of the Central Cabinet, the Commission has thought it proper to include his evidence under the head "knowledge of Central Government."

21.35 The late Mr. N.V. Gadgil affectionately called Kaka Gadgil was a Minister in the Central Government. He was a prominent resident of Poona. Before he became a Minister he was at the Bar at Poona and was the Secretary of the District Congress Committee, Poona, and was intimately connected with the local affairs as he was at one time Vice-President of the Municipality. His article, Ex. 103, in the 1964 Diwali number of the Marathi weekly 'Dhanurdhari' shows that there was a growing hostility towards Gandhiji because of the miseries resulting from and brought about by the partition of the country to the Hindus of the Punjab and Bengal. He says: "A very hostile language was being openly used against Gandhi in Poona. By constantly criticising Gandhiji the Poona papers indirectly created an atmosphere conducive to violence. Occasionally, news used to come that something terrible is going to happen. One such news was that Shri Balukaka Kanitkar had sent a Secret letter to Shri (Balasaheb) Kher saying that something was going on against Gandhi. Sardar occasionally used to express concern but no serious notice was taken. Nehru had then started strongly criticising Hindu Leaders". Gadgil also says that there was a feeling amongst the Hindu refugees that Gandhi was not doing anything for them but was helping the Muslims because Gandhiji used to comment every day after the prayer meeting about the doings of the Hindus. Most of the refugees were dejected and disappointed. Some were extremely angry. The giving of the 50 (55 sic) crores added "salt to their injuries." The refugees felt that giving "was like healing the injuries received by the murderer ignoring the man murdered". As a result of what Gandhiji was saying and what Nehru said about the Hindus, anti-Gandhi atmosphere was spreading during those days.

21.36 Keshavrao Jedhe used to stay with him and Jedhe said to Gadgil: "Kaka, some people in Poona are out to do something (dangerous). Be aware!" Unfortunately, Kakasahib Gadgil never asked him to elaborate though he says he should have done so. That is because he never thought that Poona people would do anything that would go against Gadgil himself. The article further says that Jedhe came to Delhi on 15-1-1948 from Poona. He knew that Godse and others had chalked out a plan in Poona and send-offs were being given to them but unfortunately Mr. Jedhe told Kaka Gadgil this only on the night of 30th and when Kakasahib asked him why he did not tell him earlier, Jedhe's reply was that he thought that Kaka knew this before. He then disclosed the names of three or four persons as well as names of some places but he did not disclose this information to him before the 30th January. There is nothing to indicate that Mr. Gadgil conveyed this information to the Police. If he had done so, it should have been mentioned in Police Diaries.

21.37 Another portion which is rather important is that within one or two days after January 30, 1948 Gandhiji was to have gone to Wardha because Sardar's idea was that Gandhiji should be persuaded to stay at Wardha and should be spared from the daily complaints from Muslims and the Maulanas. This fact or something to

this effect has recently been mentioned by one Bikhsu Chamanlal in the "Organiser" of Delhi dated October 26, 1968.

21.38 Fortunately, Mr. Gadgil before his death was examined by Mr. Pathak as witness No. 6. There he stated that when Jedhe said to him about being cautious the witness thought that it was something against him personally and his reply was: "What have I done to raise their anger?" and the reply of Mr. Jedhe was: "All right, I have told you what I heard in Poona" and after that the witness had heard nothing from Mr. Jedhe. It is unfortunate that Mr. Gadgil did not pursue the matter further with his guest; did not ask him what he meant by the cryptic information that he had given and that he should have left the matter there. But that is what happened, another link in the chain of unfortunate omissions. It would be pure speculation now to say as to what the consequence would have been if Mr. Gadgil had been little more careful and had tried to probe into the meanings of the words used by Mr. Jedhe and had tried to get further information in regard to what he was saying. But most probably the information would have been most helpful in the apprehension of the future assassins and might have averted the tragedy. He has also stated that two or three days after the bomb incident Sardar Patel took him into confidence and told him that the information which was being received made him very unhappy and he discussed with him the plans to protect Gandhiji's life—the main proposal being to search everyone attending the prayer meetings. On the 29th Sardar Patel said to him: "It was impossible to persuade Gandhiji to accept this proposal", from which the witness concluded that Gandhiji was not willing to have people searched.

21.39 Mr. Gadgil further stated that at 8.30 P.M. after the murder Jedhe met the witness in the verandah of the witness's house in New Delhi and there he said: "What I had warned you about has happened". The witness asked Jedhe to give him the details and his reply was: "Godse and his friends were being feasted as they were to go to murder Gandhiji and that there was a function at Tilak Samarak Mandir". Thereafter the witness kept quiet and nothing could be done. Mr. Gadgil also stated that beyond what Jedhe told him he had no other information. About the Government of India having any prior information, the witness (Mr. Gadgil) said that Sardar Patel had told him about the information that he had. The witness also said that Sardar Patel had told him that he had some information regarding the conspiracy to murder Gandhiji before the murder took place but the witness knew nothing whether Bombay Government had any information or not. All he could say was that Balukaka Kanitkar had made a statement that he sent a telegram to Mr. Kher prior to the murder that Gandhiji was going to be murdered. This is not a correct version of what Balukaka Kanitkar had said; the matter comes under a different heading and will be discussed there.

21.40 Mr. Gadgil further said that Sardar Patel "right up to 5.20 P.M. on the 30th of January" was trying to persuade the Mahatma to allow search at least of some visitors to the prayer meeting before they attended the meeting but Mahatma's reply was "No! It is God's house and nobody can search."

21.41 Nathuram Godse, Mahatma's assassin, was Secretary of the Provincial Hindu Sabha. Mr. Gadgil said that he had come to

know as a member of Government that Madanlal Pahwa had made a confessional statement after he had thrown the bomb but he never read it. Therefore, he did not know anything about its contents. This witness is now dead and it is not possible to enquire from him now as to when he came to know about the confessional statement, what he came to know about it and from whom. And so is Mr. Jedhe who would have been an important witness whose testimony would have been most valuable to unravel the skein of Poona happenings.

21.42 According to Mr. Gadgil, immediately after the bomb explosion a special precaution was taken in that in every room of the Birla House a plain-clothes C.I.D. man was stationed and in the prayer meeting also quite a number of plain-clothes C.I.D. personnel used to be present. But this is not what the other witnesses have stated. No one has deposed to the stationing of plain clothes policemen in every room of Birla House, but evidently there used to be some at the prayer meeting.

21.43 Two things emerge from this statement; One, the lack of rightly expected inquisitiveness on the part of Mr. Gadgil to find out what exactly Mr. Jedhe meant when he said that Poona people wanted to do something; and he egotistically took the matter to be referring to himself, unless there was something in the context which specially referred to him alone. And secondly, Mr. Gadgil never tried to find out any further details about the confessional statement which he says was made by Madanlal. It will not be too great an exercise in the realm of speculation if one were to say that had Mr. Gadgil used his forensic skill a little more and his unconcern a little less, he might have been able to locate the target of Jedhe's cautionary remark and the identity of Madanlal's confederates, the future assassins, assuming all the time that Madanlal's confession was sufficiently revealing and informative.

21.44 But on the question whether Mr. Jedhe knew anything, or events happened as Mr. Gadgil stated they happened, requires a little careful scrutiny. Mr. Jedhe's statement as to the impending catastrophe was this. He told Kaka Gadgil, "some people in Poona are out to do something (meaning dangerous)". It is possible that he like others had heard rumours of their evil designs.

Action taken by Mr. Randhawa and what he knew—

21.45 Mr. Randhawa stated that it did not come to his notice as Deputy Commissioner and District Magistrate that the life of Mahatma Gandhi was in danger. As a matter of fact, he took him out to a village to open a *panchayat ghar* where a prayer meeting was held. Had he known that there was a danger to Mahatma's life, he would not have dared to take him out to that village. The situation at that time was a confused one and there was danger to everybody's life which came from goondas of both communities but largely from Muslim Leaguers who distributed knives and leaflets and held secret meetings in their mosques. Before the bomb was thrown, the Home Ministry gave him no information as to the danger to Mahatma Gandhi's life.

21.46 After the bomb was thrown, he did not know nor was he informed that the bomb was an attempt on Mahatma Gandhi's life. At an earlier hearing when he was first called, Mr. Randhawa stated

that although he did come to know that the bomb was thrown by a Punjabi refugee yet he was given no information that it was a part of a conspiracy nor was any report sent to him in the course of investigation as to what the investigation was disclosing. The C.I.D. and the Police did not tell him as to how the investigation was proceeding or whether it was leading to a conspiracy.

21.47 Mr. Mehra who was the D.I.G. then used to meet him quite often but he did not inform him about the developments in regard to the bomb explosion particularly in regard to the conspiracy. Mr. Mehra did not tell him as to who were connected with the bomb explosion or as to the conspiracy or as to who the conspirators were. Mr. Randhawa added "I did not know till the murder took place that some Marathas from Poona were involved in the conspiracy." Had he known about the conspiracy, he would have insisted upon the Home Minister calling a meeting at the highest level and would have stopped the prayer meetings whether Mahatma Gandhi liked it or not "because his life was very important and I personally had a great respect for him as a leader I would have had controlled the people who were coming to the prayer meetings". He added that he had saved the life of Mr. M.A. Jinnah when he and other Muslim League leaders were attacked at the Imperial Hotel by *Khaksars*, implying that he would not have acted differently in the case of Mahatma Gandhi of which the Commission can have no doubt.

21.48 C.I.D. Daily Report, Ex. 141, dated 21st January, 1948, a copy of which was sent to the District Magistrate, mentions as one of the news items the bomb throwing by Madanlal, his arrest and the escape of his companions in a car was also mentioned therein. A special report copies of which have been produced before this Commission (Ex. 84 A&B) also shows that copies were sent to the District Magistrate. But it appears they are received in the office and there they remained.

21.49 The Statesman of the 21st January, 1948, Ex. 106A shows that that newspaper had given out the story as follows—

"Present enquiries tend to show that there was a formidable plot on the life of the Mahatma. A police Inspector said "the bomb was intended to create confusion even though it was powerful enough to kill many people. The hand-grenade was apparently to be used against the Mahatma himself."

Even other newspapers had said that four men drove away in a small green colour car at the rear of Birla House showing that they were more than one person who were involved in the throwing of the bomb. (See the Times of India, 21st January, 1948).

21.50 Police Superintendent Amar Nath Bhatia, said that the District Magistrate must have been informed through Special Reports. He also said that they (the police officers including the C.I.D. Officials) were meeting the Deputy Commissioner every day and they used to tell Mr. Randhawa what was happening in connection with the case. But his statement seems to be rather confusing because in an earlier portion he had said, "I did not send any report to Mr. Randhawa. The document, Ex. 84A, shows that a copy of this special report was sent to him. Beyond that I cannot say". He added that

he was not aware that Mr. Randhawa had made any complaint against him to the Home Ministry that he was not being kept in touch with the investigation by him (Amar Nath Bhatia).

21.51 The statement of Mr. Randhawa does show this that prior to the throwing of the bomb he had no information of danger to the life of the Mahatma and even after the bomb incident he was not kept in touch with the investigation of the bomb case; and whatever official information was being sent to him remained pigeon holed in his office. The Home Office later took him to task for not keeping himself informed of the investigation. But those were dangerous days. The aftermath of the Partition had produced chaotic conditions and under those circumstances normal working of the District Magistrate must have been considerably dislocated and disturbed.

Mr. J.N. Sahni, Wit. 95—

21.52 About the danger to Mahatma's life, Mr. Sahni witness No. 95, said—

"I have a feeling that pre-information of impending danger to Mahatma's life and Nehru's life was and should have been in the possession of the Government and there were some politicians within the Congress who after the assassination did try to insinuate that such pre-information if properly taken care of could have prevented the assassination, and by implication that either negligence, carelessness or lack of proper measures was the cause of the assassination."

Many people felt that there should have been better arrangements even for Pandit Nehru because there were a number of people who were very violently inclined against Nehru and Gandhiji and therefore tight security measures were necessary. Mr. Sahni spoke to Mr. Nehru because one of his (Nehru's) relations told Mr. Sahni that Mr. Nehru was not agreeing to security measures being taken. When Mr. Sahni spoke to Mr. Nehru his reply was that "he was already feeling like a prisoner and what else could be done for him". After the murder of Gandhiji a special officer, Mr. G.K. Handoo, was appointed to look after the security arrangements *qua* Mr. Nehru.

21.53 Mr. Sahni also said that as a member of the Editors Conference or otherwise he had no information that any such people were forming a conspiracy to murder Mahatma Gandhi. If there was any such information, it must have been with the Government but "one did feel that there was some imminent danger because security measures were being discussed—some criticising the security measures being stringent and others saying that they were inadequate and this talk was rife in the lobby of the Constituent Assembly."

21.54. There were rumours that there was a secret organisation of which the leader was Golwalkar, Bhopatkar or Dr. Khare and volunteers were being trained in Alwar, Bharatpur and in some other places with the objective of overthrowing the Government after killing the top leaders.

21.55 When Mahatma Gandhi was murdered, this was considered to be a part of that plan and stringent measures were

taken to protect strategic points like the radio station, arsenals and places like that and the Defence Minister was specially called and directed to take appropriate measures. In Alwar, Dr. Khare being the Prime Minister, it was easy for him to give arms for training and help to build up a volunteer organisation.

21.56 Editors of newspapers did not know whether Government had any knowledge or pre-information about the likely murder of Mahatma Gandhi nor of the date and place but after the murder it was being said that sweets were distributed at different places like Aligarh, Alwar, Gwalior and some other places also but unfortunately for those people the timing of the murder did not synchronise with the timings of the distribution of sweets which were distributed before the murder actually took place.

21.57 Commission drew the attention of Mr. Sahni to a pamphlet, Ex. 105, which is a document in Hindi, published in Amritsar and alleged to have been distributed in Alwar. This document as produced before the Commission was handwritten. It is undated and starts by saying 'GANDHI MURDABAD'. It is an anti-Gandhi leaflet accusing Gandhiji of helping Muslims and Pakistan and that people should pray to the Almighty that Gandhi should die. It has also accused Gandhiji of his fast being a farce and called him a 'low down fellow'. Mr. Sahni's reply was as follows—

"Q. The poster (Ex. 105) is read to the witness. Would you like to comment upon it?

"A. I would not say that this was the attitude of mind of the Hindus and the Sikhs from the Punjab because whatever else might or might not have happened they could not forget the services which had been rendered to them whenever Hindus and Sikhs were in trouble in the Punjab—Jallianwala Bagh and Guru Ka Bagh are examples—and they would rather like to convert Gandhiji and use his influence rather than kill him."

The document, said Mr. Sahni, was in line with the political secret movement which was being helped by the Princes through their chieftains thus creating a fifth column in India to take over when the British power withdrew, at least in their respective states which would become free. "I am particularly mentioning states like Jaiselmer, Jodhpur, Baroda, Alwar, Bharatpur and Bhopal." This movement was led by Golwalkar from Nagpur and Bhopatkar from Poona. The concentration of the leadership was in Nagpur and Poona.

21.58. In cross-examination by Mr. Kotwal Mr. Sahni said that this movement for over-throwing the Government by means of a *coup d'etat* was in Nagpur, Poona, and Alwar and other places. It was organised by Hindu Mahasabha, R.S.S. and some Hindu princes. "To put it more correctly it had behind it the hand of some of the Indian rulers, leaders of the R.S.S., Hindu Mahasabha and some of the Chieftains in some Indian States". Mr. Sahni also said that R.S.S. movement was strong in Marathi-speaking areas, in Punjab, Delhi, Alwar and the north Indian States and also in the U.P. and there were Hindu-Muslim riots throughout northern India including Delhi in August and September, 1947.

Mr. Pyarelal Wit. 54—

21.59 Mr. Pyarelal witness No. 54 had heard that the lives of Congress leaders including Mahatma Gandhi and Pandit Nehru were in danger. He went to the Deputy Commissioner Mr. Randhawa and mentioned the facts to him but he made no comments. Mr. Pyarelal could not say that he did anything in the matter. The general impression at that time was that all those who were opposed to the policies of Mahatma Gandhi and the Government might do this kind of thing, mostly those Hindus who belonged to fanatical school of thought.

21.60 He could not say whether any special precautions were taken after the bomb was thrown. But Mahatma would have been protected if the police had arrested those persons about whom indications had been given in Madanlal's statement. But he himself never saw Madanlal's statement. Somehow or the other people around Mahatma never believed that he would be murdered. The evidence of the witnesses from Birla House who belonged to the Mahatma's entourage shows their complete innocence of knowledge of the danger.

21.61 To sum up this part of the evidence—

- (1) Sardar Patel and his Private Secretary did know of the danger to the life of Mahatma Gandhi but did not know where the danger was from. The whole thing was vague as it was in the case of what Mr. B. G. Kher or Mr. Morarji Desai knew.
- (2) There was a hostile camp at Poona compendiously called the Kesari group really that part of it which drew its inspiration from Savarkar.
- (3) No one in Delhi knew anything about Ketkar or Kanitkar. What the Sardar himself knew about that matter is not proved by Delhi evidence. There is only the writings of Balukaka Kanitkar that Mr. B. G. Kher had told him that he had conveyed this information to Sardar Patel. Mr. Morarji Desai has also said that he informed Sardar Patel. But the information must have been as vague as the statement of Mr. Morarji Desai shows his own state of knowledge to be.
- (4) But the Sardar dealt with it at Provincial level i.e. with the Provincial Ministers and never passed it on to his Secretariat. So the advice of what in Constitutional Law is termed advice to a minister of his Departmental expert does not seem to have been availed of.
- (5) What Mr. Gadgil was told by Mr. Jedhe was never repeated to Sardar Patel; nor did Mr. Gadgil try to find out the area and the boundaries of Mr. Jedhe's knowledge.
- (6) Mr. J. N. Sahni had only a feeling that the Government of India had previous information of impending danger to Mahatma Gandhi's life. He had no information about the conspiracy in his capacity of a member of the Editors Conference or otherwise.

- (7) Mr. Pyarelal also had heard of danger to the lives of Congress leaders. The impression then was that it was from fanatical Hindus which might be a very undefined and undefineable entity.

21.62 Whatever information the politicians possessed before the bomb was exploded, remained with them and nothing was disclosed by them to the Police or the magistracy or the permanent Civil Service. The only evidence of the information about the danger to Gandhiji's life which the politicians and the Ministers shared with the permanent Civil Service is contained in just one sentence in the evidence of Mr. Morarji Desai. When his attention was drawn to Ex. 172 the document relating to the reception given to Daji Joshi of Jackson murder fame by the Hindu Mahasabha, Mr. Desai said that the matter was discussed between the Premier Mr. Kher, himself, and the Home Secretary taking into consideration the report of Balukaka Kanitkar, but there is nothing to indicate that anyone of the officials of the Secretariat were consulted or directed to take suitable measures in regard to the information which had been received nor was any direction given to the Police to find out the truth of the rumours of danger to Mahatma's life and where the danger was likely to emanate from.

21.63 Sardar Patel being dead, Miss Maniben Patel was examined and she readily gave all the information that was in her possession and what she could give. And her statement relevant to this matter has already been discussed.

BAKSHI RAM EPISODE

21.64 One Bakshi Ram was arrested in the first week of January 1948 for robbery; under S. 394 I.P.C., and he was lodged in Agra Central Jail. He claimed to be a one time associate of Bhagat Singh and B. K. Datt, the well-known Lahore revolutionaries. This arrest was effected by the Senior Superintendent of Police Agra, Mr. G. K. Handoo, witness No. 48 and some-how or other Bakshi Ram showed some confidence in Mr. Handoo. According to the statement of Mr. Handoo on or about the 23rd January 1948 Bakshi Ram went on hunger strike and insisted on seeing Mr. Handoo and when M. Handoo did see him, Bakshi Ram told him that Mahatma Gandhi was certain to be murdered very soon and that he had read in the newspaper that Madanlal had been arrested in connection with the explosion of gun-cotton slab and that Madanlal was an intermediary between him and about seven Maratha youngmen. Madanlal had asked Bakshi Ram to give instructions to those Maratha youngmen in pistol shooting which Bakshi Ram did at Gwalior, that was sometime in December or a little earlier. These Maratha youngmen never called each other by name but had designated each other by military ranks like Subedar, Jamadar etc. Bakshi Ram had gathered from the cross-talk between these youngmen that they were learning to shoot pistol to commit a political murder of a very high ranking person in Delhi and when Bakshi read in the papers about Madanlal's exploding the bomb he felt convinced that the victim was going to be Mahatma Gandhi.

21.65 Mr. Handoo then cross-examined Bakshi and found his story to be consistent. He recorded his statement and sent copies of

it to the D.I.B., New Delhi, Inspector General of Police, U.P., Mr. B. N. Lahiri and to the D.I.G. Meerut Range Mr. B. B. S. Jetley who was on tour at Agra at the time. He did not hear anything further and then Mahatma Gandhi was murdered. In that communication to the Police Officers, Mr. Handoo gave the description which Bakshi Ram had given him. Bakshi Ram had also told him that one of those youngmen who was their leader was a journalist from Poona but he neither knew his name nor the name of the newspaper.

21.66 Mr. Handoo was asked whether the descriptions given by Bakshi Ram were something like those given by Madanlal in his first statement, and his answer with regard to the complexion was in the affirmative but there was nobody who would correspond to a Maratha looking like a Sikh but no names were given to Mr. Handoo. After the murder the Bureau sent two officers to Agra to interrogate Bakshi Ram to find out the correctness of Mr. Handoo's report.

21.67 Mr. Handoo further said that he was brought to Delhi after the murder of Mahatma Gandhi. He was then called by Sardar Patel and cross-examined in regard to the report which he had sent to the D.I.B. He also met the Director of Intelligence Bureau himself with whom he discussed the information which he had sent and the Director said that he had used the information by sending it to Bombay but there was some hold-up in Bombay. He added that the object of getting him over in such a great hurry was that there was a fear of other leaders being murdered and probably the gang connected with Mahatma Gandhi's murder was a very large and powerful one and would strike at the other leaders also.

21.68 Mr. Jetley who was then D.I.G. of Meerut, witness No. 55 was also examined by the Commission. He stated that he went to Agra in January 1948 and was informed by Mr. Handoo about Bakshi Ram's statement and this information was given to him about a week before the assassination of Mahatma Gandhi, and he corroborated what Mr. Handoo had stated to the Commission. As soon as Mr. Jetley got this information from Mr. Handoo he intimated the fact of Mr. Sanjevi and also to the Inspector General Mr. Lahiri. This he did by telephone. Then both came to Delhi and saw Mr. Sanjevi and told him everything that they had learnt from Bakshi Ram. Mr. Jetley himself did not interrogate Bakshi Ram. He was of the opinion that the information given was not mere imagination but there was something serious in it. He was asked whether he had discussed this matter with Inspector Bannerji, and he said that he had no such recollection and ordinarily an Inspector would not discuss such matters with him direct and he would have talked to Mr. M. K. Sinha.

21.69 Certain documentary evidence has been placed before the Commission to show that Bakshi Ram's statement made to Mr. Handoo was after the murder of Mahatma Gandhi and not before, but that is a matter which requires a decision after careful scrutiny of that evidence in the light of all the facts before the Commission. One of the officers sent to examine Bakshi Ram after the report of Mr. Handoo was received by the D.I.B., was Mr. M. K. Sinha, Deputy Director. Under his directions, Bakshi Ram was interrogated by a police officer and after giving a description of what he

had been doing, including his association with Bharatpur Maharaja and his brother who were trying to induce him to assassinate Mahatma Gandhi and Pandit Jawaharlal Nehru and some other incidents of similar kind, Bakshi Ram stated that after the murderous assault made on Mahatma Gandhi, he told his fellow prisoners that the days of Mahatma Gandhi, Jawaharlal Nehru and Maulana Azad were numbered. He said, "I was not getting any co-operation from the Jail authorities; therefore I could not write about it to anybody." When he learnt about the death of Gandhiji, he went on a fast because his conscience began to prick him and he thought that the Mahatma had been killed but to save the life of Pandit Nehru, it was necessary to inform the authorities concerned. He, therefore, sent a confidential letter to the Inspector General of Police, Delhi, wherein he promised to disclose all that he knew about the bomb. He said that he could freely mix with Dr. Parchure and Lalji, who was a son of Sardar Angre of Gwalior, and he could easily find out the details of the conspiracy and how it progressed during his absence. This document is marked Ex. 190 and the portions dealing with conspiracy are marked Exs. 190A and 190B.

21.70 The next important document in this connection is Ex. 193A a report by C.I.C. Lucknow, at Delhi, Mr. Sampuran Singh, in which he reported that Bakshi Ram was a member of the Hindustan Socialist Republican Army and an associate of Dhanwantri and other revolutionaries of the Punjab. He had also inter-provincial connections with terrorists at Lahore and other places. The report ended "As far as my impression goes, he was a casual or a paid agent of Khan Bahadur Mirza Miraj-ud-din, late Superintendent of Police, Special Branch, C.I.D., Punjab, Lahore." On this report on the margin of this paragraph Mr. M. K. Sinha on February 23, 1948, made the endorsement "This is all CIO(L) knows about Bakshi Ram." There is another paragraph in this report of Mr. Sampuran Singh which said that Bakshi Ram originally belonged to Montgomery district to which Madanlal also belongs. On the margin of this paragraph there is a remark by Mr. Sinha "This perhaps needs verification".

21.71 Mr. Sinha was examined in regard to this Bakshi Ram and he stated that "Jetley, Handoo and myself" accompanied by the CIO visited Agra Jail and interrogated Bakshi Ram. He then asked an officer to take down his statement and Ex. 190C was the statement which was taken down by that officer. He directed the CIO (Lucknow) at Delhi to verify the correctness of this statement and send a note on Bakshi Ram. He sent a note dated February 23, 1948, which is marked Ex. 193. He proved his endorsements on this report which have already been referred to.

21.72 Mr. Sinha further stated that he did not gather from Bakshi Ram that he had given any information previous to the murder. On the contrary he said "I want to expiate for my sins and, therefore, I am making this statement before you". He also said that Bakshi Ram wanted to have the life of Pandit Nehru. He said that the statement of Bakshi Ram must have been recorded sometime about the middle of February 1948. He added that he was not aware of any information which Handoo received from

Bakshi Ram before the murder of Mahatma Gandhi. As far as he knew, nothing was conveyed to him.

21.73 The Intelligence Bureau filed an affidavit on 25-11-1967 in reply to questionnaire of the Commission, along with some documents as appendices. Appendix 'A' is Ex. 133 dated February 16, 1948 which is a report of Inspector Bannerjee. In this report, Inspector Bannerjee said—

"On the file which Mr. Jetley gave me to read, I have seen an application from Bakshi Ram addressed to the Inspector General of Police, Delhi, in which he has stated that he wishes to give an important information connected with the Mahatmaji's murder".

The report also said that Mr. Jetley was of the opinion that Bakshi Ram was genuinely pained and if suitably tackled, would probably lead to something very definite. The other parts of the report will be discussed at suitable places later. As this report shows that the information was given to Mr. Handoo after the murder, Commission thought it necessary to re-examine Mr. Jetley and Mr. Handoo.

21.74 Mr. Jetley when recalled was shown Inspector Bannerjee's report. He said that it was difficult for him to remember definitely but he thought that he had seen those papers and added "these papers were shown to me after the murder. It was after the murder that Bakshi Ram wanted to make a statement." Commission read out to him his previous statement that the information had been given to Mr. Handoo before the murder and he said "Now that I have thought over the matter and tried to recollect things, I think the information which Handoo gave me was after the murder..... and what I have stated on January 18, 1968, might not be strictly correct." He added "On trying to recollect things better, I am under the impression that the information was given after the murder, not before" and he repeated the same thing later on in his statement.

Inspector Bannerjee, Wit. 73—

21.75 Inspector Bannerjee, witness No. 73, was examined by the Commission. He proved his report. He said that he went to see Mr. Jetley who gave him a small bundle of papers, a kind of temporary file in a torn cover and he told him (Bannerjee) that Mr. Handoo had given him certain information in regard to the prisoner in Agra Jail and all that was contained in the file. From that he compiled his report which is Ex. 133, and he returned the file to Mr. Jetley. Mr. Jetley has on the other hand stated that he had no talk with Inspector Bannerjee. Inspector Bannerjee has said that in the file which was handed over to him, there was an application from Bakshi Ram and the purport of that application was also recorded in his report, Ex. 133. He also said that Mr. Jetley was of the opinion that Bakshi Ram was a genuine person and was anxious to give all the information that he had.

21.76 In paragraphs 7 and 9 of Ex. 133, report of Inspector Bannerjee, it is stated—

"Should Bakshi Ram be released, as suggested, and would the risk be worth it? Personally, Mr. Jetley does not mind if

the dacoity case goes down provided it brings to light the conspiracy which has been hatched in the States of Gwalior, Bharatpur He recommends that unless the Police, here have anything definite at this end, the possibilities of the information given by Bakshi Ram should be investigated

Mr. Jetley is of the opinion that Bakshi Ram is genuinely pained on Mahatmaji's murder and is anxious to give out all he knows. He fasted for 13 days after Mahatmaji's death and is very much moved and, if suitably tackled, would probably lead to something very definite."

21.77 The statement of Inspector Bannerjee and his report show that Mr. Jetley was struck by the genuineness of Bakshi Ram and wanted his assistance in the solution of the conspiracy case. Evidently Mr. Jetley had not read and considered the antecedents of Bakshi Ram.

Mr. Radhika Narain Shukla, Wit. 61—

21.78 Mr. Radhika Narain, Shukla D.I.G., Punjab, was in 1948 a Deputy Superintendent of Police and is witness No. 61 before the Commission. He said that he had interrogated Bakshi Ram in Lahore Fort when he was a detenu there. The D.I.B. asked him to go and interrogate Bakshi Ram in Jail, which he did and submitted his report to the D.I.B. After examining Bakshi Ram, this witness made a report, Ex. 98, dated March 4, 1948, and this report was severely critical of Bakshi Ram and after giving the various offences of violence and robbery which Bakshi Ram had committed, the conclusion which Mr. Radhika Narain Shukla drew was—

"I think Bakshi Ram has created all this sensation to prepare a ground for the diversion of the present charge of robbery against him to that of a political heroship by introducing the fact that he knew something about the plots for the assassination of Mahatmaji etc. His motive in giving such information is to secure his release on bail in the robbery case. I suggest his statements' verification."

This report shows therefore that the estimate of Mr. Jetley of Bakshi Ram's genuineness was wholly mistaken and this report is supported by the assessment of Mr. Sampuran Singh, CIO (Lucknow) at Delhi. When the statement of Bakshi Ram was sent to Mr. Senievi, he wrote a letter, Ex. 191 dated 27th February, 1948, to Mr. Rana in which he said that Bakshi Ram was a notorious character well known for violent crimes and generally undependable and wanted freedom for 48 hours to enable him to make full disclosure in regard to conspiracy. "I do not believe him and I am quite certain that he seeks to be out of the jail only with the object of making good his escape or for attacking some of those who are responsible for leading him to police custody in the present case against him."

21.79 To this letter Mr. Rana's reply Ex. 208, said that from the statements of the accused in the murder case, Bakshi Ram did not appear to be one of the confederates and his name had not transpired in interrogation. If Bakshi Ram's statement is true, it must

be some other conspiracy that he is talking about. Mr. Rana agreed with Mr. Sanjevi that Bakshi Ram was making his statement with some ulterior motive.

21.80 From the report of Mr. Radhika Narain Shukla and of Mr. Sampuran Singh, C.I.O., and after having read the statement of Bakshi Ram, Commission is of the opinion that the estimate of Mr. Sanjevi and Mr. Rana of Bakshi Ram was correct and he had an ulterior objective and acted so well that such a high officer as Mr. B. B. S. Jetley, a D.I.G., got taken in.

21.81 There is documentary evidence which tends to show that Bakshi Ram made a statement in regard to "a conspiracy" after the murder of Mahatma Gandhi. Mr. G. K. Handoo's statement that he also made a statement before was supported by Mr. B. B. S. Jetley but his subsequent statement showed his being unsure of whether it was before the murder or after. As the matter relates to the important issue of previous knowledge, this evidence requires a careful analysis. But the question will have to be looked at taking into consideration the quality of Bakshi Ram's knowledge which he claimed to possess.

21.82 Sometime after the examination of Mr. Handoo, the Superintendent of Police Special Branch, Lucknow sent along with his letter Ex. 189 dated June 12/13, 1968, a letter Ex. 186 dated March 1, 1948 from the Senior Superintendent of Police, Agra, to the C.I.D. Lucknow. The relevant portions of this letter are these.

21.83 On January 30, 1948, after the assassination of Mahatma Gandhi, Bakshi Ram went on a sympathetic fast which was concluded on February 11, 1948, and he desired to make a statement before an officer of the Intelligence Bureau. The District Magistrate of Agra asked the Senior Superintendent of Police to interrogate him and he did interrogate him on February 13, 1948. His verbal statement deals mainly with two points: assassination of Maharaja of Gwalior and affairs of Bharatpur and Gwalior States and their complicity in the assassination of Mahatma Gandhi.

21.84 The Senior Superintendent of Police informed the D.I.G. Western Range about that statement of Bakshi Ram, who also interviewed, and interrogated him on February 15, 1948, and "the facts of Bakshi Ram's statement were then communicated to the D.I.B., Delhi". and the Inspector General of Police, Gwalior, on February 16, 1948. The D.I.B. held a conference of the D.I.G. Western Range and of the Senior Superintendent of Police at Delhi on February 17, 1948, and he discussed the notes which the Senior Superintendent of Police had taken. On February 18 he sent Deputy Director of Intelligence Bureau, Mr. Sinha, to record the statement of Bakshi Ram. The letter adds "I understand that the Intelligence Bureau, Delhi, have now got a complete statement of Bakshi Ram and are handling it at their level".

21.85 The letter added that Bakshi Ram had been correctly identified and was being prosecuted in the robbery case.

21.86 As this letter appeared to show that the sympathetic fast referred to by Mr. G. K. Handoo was after the murder and not

before, Mr. Handoo was recalled and the letter was put to him. His reply was—

"These papers are not relevant at all to the Gandhi Murder. This report deals with the threats of assassination of the Maharaja of Gwalior and the complicity of the States of Bharatpur and Gwalior in regard to reminiscences that may have taken place in the Gandhi murder after the murder had been committed."

He added that it was after this fast and interrogation by him (Mr. Handoo) that the D.I.G., Mr. B. B. S. Jetley, interrogated him on February 15 and the facts of Bakshi Ram's statement were then communicated to the D.I.B. and the Inspector General of Police, Gwalior on February 16. The Deputy Director Mr. Sinha, was sent to record the statement of Bakshi Ram on February 18, 1948, as stated in Ex. 186. He referred to Ex. 187 from the Senior Superintendent of Police, Agra, in the weekly report of 27th February, 1948, which states that the Senior Superintendent of Police and the D.I.G., Western Range interrogated Bakshi Ram and then they contacted the Intelligence Bureau, Delhi. This document also says this—

"It was suspected that Bakshi is a dangerous member of an anti-Government organisation having his associates in the bordering Indian States of Bharatpur and Gwalior etc. and also has contacts with some Military personnel at Agra."

21.87 Mr. Handoo then referred to Ex. 188 which is the statement of Bakshi Ram sometime in the year 1963 where there is a passage to the effect that he wrote a letter about the murder of Mahatma Gandhi to the Intelligence Bureau but he does not know what happened to it. He again wrote a letter after the murder of Mahatma Gandhi and then certain officers interrogated him in jail. Bakshi Ram also claimed that it was on his information that Dr. Panchure was arrested at Agra and an arms factory at Bharatpur was unearthed. This, Mr. Handoo said, clearly indicated that he had advance information before Gandhi's murder which he had sent to Mr. Jetley as top secret. This also showed that Mr. Handoo was approached a second time by Bakshi Ram when this later statement was made.

21.88 Mr. Handoo was then shown the report of Inspector Bannerjee, Ex. 133. He said that this did not show that his recollection about Bakshi Ram talking to him a few days before the assassination was incorrect or he was mistaken about the sequence of events. He also added that the report did not contradict him that he had given information to Mr. Jetley and he stuck to his statement in spite of all that Mr. Jetley had deposed. He added that Mr. M. K. Sinha was sent to Agra to interrogate Bakshi Ram after the murder of Mahatma Gandhi and after Mr. Handoo had been to Delhi. His attention was also drawn to the statement of Bakshi Ram taken down by Mr. M. K. Sinha, Ex. 190, where Bakshi Ram had said that his conscience began to prick him because he had not given timely information to the authorities about the plot. Mr. Handoo replied that to his knowledge, Bakshi Ram's conscience also pricked him a day or two after the bomb throwing as a result of which he informed him about the Maratha youths having been brought to him by Madanlal, the man who was arrested on the 20th.

21.89 When Mr. Handoo's attention was drawn to the use of the word "adamant" in his letter, Ex. 186, he said that he meant was that Bakshi Ram wanted to make a statement to the Intelligence Bureau and not to him. "The reason why he wanted to give information to the I.B. was that he appeared to mistrust me suspecting that I had taken no action on his previous statement to me made before the murder of Gandhiji."

21.90 Mr. Handoo added that as far as he could remember the last after the throwing of the bomb was for about one day and the last after the murder was for about 10 days. He had no recollection of any folder containing the statement of Bakshi Ram being handed over by him to Mr. Jetley on the 13th or the 15th or the 16th. Bakshi Ram, he said, did not ask him for 3 days freedom so as to disclose everything to him. He said that there was no mention of a statement having been made to him earlier in other documents because it was a top secret and was a completely different matter. He added that he definitely remembers that he saw Bakshi Ram before the murder of Mahatma Gandhi and that Bakshi Ram wanted to see the I.B. officers after the murder because he suspected that he Mr. Handoo, had not conveyed the previous information to proper authorities but he had conveyed the same to Mr. Jetley as a top secret report. But he did not know whether any action was taken on it.

21.91 In an affidavit dated 25th November 1964 in reply to a questionnaire issued the Intelligence Bureau have stated that Mr. M. K. Sinha, Deputy Director, I. B., was deputed to record Bakshi Ram's statement in Agra Jail and Bakshi Ram there stated that he had prior knowledge about the plot to kill Mahatma Gandhi, Jawaharlal Nehru and Maulana Azad but he could not inform the authorities for want of cooperation of the jail authorities. He resorted to a fast after Mahatma Gandhi's murder and addressed a letter to the I.G.P. Delhi, and he seemed to disclose all these facts as he wanted to save Pandit Nehru.

21.92 The statement which Mr. G. K. Handoo, witness No. 48, had made in regard to Bakshi Ram informing him about the conspiracy to murder Mahatma Gandhi and about the conspirators, is only compatible with the information having been given after the bomb was thrown and before the murder took place. He was supported by Mr. B. B. S. Jetley, who was then the Deputy Inspector General, Meerut Range, but in a subsequent statement Mr. Jetley was rather doubtful as to when the information was given and ultimately said that it was given after the murder. The facts stated by Mr. Handoo in regard to there being an intermediary and the Maratha youngmen being instructed how to shoot a pistol in order that they may be able to commit a political murder of a high ranking person in Delhi, fits in with the information having been given before the murder was committed and it appears that Mr. Jetley has got confused but in view of the antecedents of Bakshi Ram which are shown so clearly by his own statement and by the comments of the C.I.O., Lucknow, Mr. Sampuran Singh and of Deputy Superintendent Radhika Narayan Shukla, in the opinion of the Commission the information given or sought to be given was more imaginary than real and would even have misled the investigators and put them on a wholly wrong track.

21.93 As the question of prior knowledge about the conspiracy to murder is one of the main issues before the Commission and as the statement of Mr. G. K. Handoo, a high ranking Police Officer, was emphatic that Bakshi Ram had given him information before the murder, the Commission thought it only right to get all the available evidence on the subject. Mr. Handoo's statement shows that—

- (1) Bakshi Ram went on a hunger strike to draw the attention of the Jail authorities because he wanted to give important information about the conspiracy and conspirators.
- (2) He was interviewed by Mr. Handoo and was told of Madanlal and seven Maratha youths to whom he gave instructions in pistol shooting.
- (3) These Maratha youths addressed each other their military ranks and never by their names.
- (4) From their talks, Bakshi Ram gathered that their intention was to kill a political leader of some eminence.
- (5) When he heard of the arrest of Madanlal, he concluded that the victim was going to be none other than Mahatma Gandhi.
- (6) Thereafter Mr. Handoo informed Mr. Jetley and the D.I.B. of the information given by Bakshi Ram.

This was the statement of Mr. Handoo. In 1963, when there was no question of any inquiry of previous knowledge, Bakshi Ram made a statement at Hissar of his previous knowledge Ex. 188, which is indicative of two communications by him one before and one after the murder. This is shown by Ex. 188-A.

21.94 Bakshi Ram wanted to appear before this Commission and to was asked to put in an affidavit of what he wanted to depose but that he has not done.

21.95 There is before this Commission documentary evidence which shows that Bakshi Ram went on a hunger strike after the murder of Mahatma Gandhi. But the evidence in regard to what he stated to Mr. M. K. Sinha and other officers is not consistent with the information having been given before the murder.

21.96 The Commission, however, does not think it necessary to go into the question at great length because in the opinion of the Commission the estimate which Mr. Sanjevi had formed of Bakshi Ram and which is supported by the reports of Mr. Sampuran Singh C.I.O., Lucknow, and Deputy Superintendent of Police, Radhika Narain Shukla, is correct and the information which Bakshi Ram wanted to give had more imagination in it than reality and the object of giving information before the murder and after must be the same as has been stated in the correspondence between Mr. Sanjevi and Mr. Rana i.e., of trying to get some excuse for getting out of the jail and then making good his escape.

CHAPTER XXI-B

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CHAPTER XXI-B

B. BOMBAY

PREVIOUS KNOWLEDGE REGARDING (1) CONSPIRACY TO MURDER MAHATMA GANDHI.(2) DANGER TO THE LIFE OF MAHATMA GANDHI

21.97 This chapter falls under both issues (1) and (2) because it deals firstly with the state of knowledge of any person particularly Mr. G. V. Ketkar regarding danger to the life of Gandhiji or of a conspiracy to murder him, and secondly whether any such information was given by them to any authority e.g. the Government of Bombay or the Government of India.

21.98 This chapter may be divided into two parts—(1) the state of knowledge of the officials of Bombay Province confining oneself to Bombay, Poona and Ahmednagar, and (2) state of knowledge of others.

21.99 None of the permanent officials of the Province or of Poona or of Ahmednagar are shown to have any such knowledge and information. But some non-officials do claim to have had this knowledge. None of them, however, even allege to have informed anyone of the officials; but they all claim to have made the Ministers of the Central Government or the Bombay Government or both, the recipients of this important and what turned out to be tragic information.

21.100 The Commission will first deal with the evidence of officials and begin with high police officials.

N. M. Kamte, Wit. 14(P) Wit. 4(K)—

21.101 Mr. N. M. Kamte, retired Inspector General of Police of Bombay, before Mr. Pathak as witness No. 14, stated that when he was told on the telephone by Mr. Sanjevi that Mahatma Gandhi had been murdered, he was surprised to learn from him that a man from Poona had committed the murder. He rang up Mr. Gurtu and the latter told him that he knew "that the agitators were from Poona and that if he was informed earlier, he could have done something".

21.102 He was witness No. 4 before this Commission. He stated that he came to know about the participation of Poona people in the bomb explosion when Mr. Sanjevi telephoned to him after the murder on January 30, 1948. He thereupon telephoned Mr. Gurtu and his reply was that Poona people were political suspects and were against Mahatma Gandhi for the help that he had given to Pakistan by giving 55 crores. Whatever names were given to Mr. Kamte by Mr. Sanjevi he passed on to Mr. Gurtu. Mr. Gurtu did not tell him that he knew who the participants in the murder were but he did say that the Poona people—Godse and his other companions—were against Mahatma Gandhi.

21.103 Mr. Kamte was recalled and he said "as far as I knew, police had no knowledge that such a thing as conspiracy to murder

Mahatma Gandhi was brewing up. If they knew any such thing they would have taken action in time".

U. H. Rana, Wit. 3—

21.104 Then we have the evidence of Mr. U. H. Rana, D.I.G., C.I.D., Poona, witness No. 3. He was recalled and examined at Baroda because he was suffering from serious coronary trouble. He stated that to his knowledge and from the information that he was receiving from the districts and from the Province, there was nothing to indicate that there was any group or set of persons who were inclined or were intending to murder Mahatma Gandhi or any other prominent Congress leader. When his attention was drawn to the statement of Mr. K. M. Munshi that there was a school of thought in Poona which believed in political violence and whose leader was Savarkar, he said that there was such a school but there was no information that violence from that quarter was likely to be directed against Mahatma Gandhi. Before January 20, 1948, there was no information with the Poona C.I.D. that there was anything in the nature of a conspiracy afoot to murder Mahatma Gandhi. But he could not say if the Poona C.I.D. had any information after the 20th. He added that if they had any, they would have reported to him. Further, Mr. Rana said that in the second half of 1947 there were violent activities in the towns of Ahmednagar and Poona like throwing of bombs and collection of arms but this violent activity had nothing to do with any incitement of violence against Mahatma Gandhi or against any other Congress leader. There was nothing to indicate that anybody was plotting or was likely to plot against him. Asked if anti-Muslim or anti-Razakar movements were only a screen or a reality, he said that they were a reality directed against Muslims. From the reports there was nothing to indicate that the violent activities in Ahmednagar and Poona were directed against the life of Mahatma Gandhi.

21.105 In Bombay Province there were two channels of reporting to Government: one from the District Superintendents of Police through the District Magistrate to Government and the other from the Local Intelligence to Government through the D.I.G., C.I.D. The District Magistrates sent weekly confidential letters to the Home Department, i.e., to the Home Secretary and through him to the Home Minister. Reports from the D.I.G., C.I.D. to Bombay Government have been preserved in the Secretariat and show what the state of affairs in the Province was and what action was taken and this record, copies of which have been produced before the Commission, does not show that there was even any suspicion of likely danger to Mahatma Gandhi and the record does not contain any letter written by Balukaka Kanitkar to Mr. B.G. Kher giving any such information.

Rao Sahib Gurtu, Wit. 22—

21.106 Rao Sahib N. S. Gurtu, witness No. 22, who was examined at Dharwar, was the A.D.I.G., C.I.D., Poona at the time. He stated that the reports used to come to him in regard to the communal activities of the group of persons consisting of Nathuram Godse, Apte, Karkare, Badge and several others. This was what was called Hindu Mahasabha movement. They carried on propaganda against Gandhiji's policies towards Muslims but he never heard of any propaganda for doing

harm to Mahatma Gandhi least of all murdering him. Even though there were reports about manufacturing of bombs by some of the members of this group, there were no reports of their intention of murdering Mahatma Gandhi. When he heard about the throwing of the bomb at Birla House on the 21st he had a vague suspicion that the work might be of the Hindu Mahasabha and R.S.S. group, but not that it was the act of Godse, Karkare, Apte and Badge. As far as he knew, the activities of Karkare which were known to the police were confined to making speeches but there were reports that he was strongly opposed to Mahatma Gandhi's policies and he was promoting Hindu Mahasabha policies. Mr. Gurtu never knew that their policy was to murder top-ranking Congress leaders particularly Mahatma Gandhi or Mr. Jawaharlal Nehru or Sardar Patel.

Pravinsinhji Vijaysinhji Wit. 38—

21.107 Police Superintendent Pravinsinhji Vijaysinhji of Poona, witness No. 38, stated that the trend of speeches of the Hindu Mahasabha and the R.S.S. were anti-Muslim but there was no provocation to violence in those speeches. He also said that he had no recollection of any meeting in Poona at which Nathuram Godse made a speech indicating danger to the life of Mahatma Gandhi. If any such meeting had been held and any such speech had been made, the L.I.B. staff would have reported the matter to him. Therefore, he never submitted any diary to the D.I.G. showing that Mahatma Gandhi's life was in danger. He was sure, he said, that if such a threat existed or such a threat was given, he would have come to know about it and he would have reported to his superiors.

21.108 He did not hear of any illegal activities of Apte or Nathuram Godse excepting that the former was suspected in a bomb case. At no time did it come to his notice that Apte and Godse were indulging in illegal or unlawful activities. There was no marked activity in Poona after the bomb explosion at the Birla House. Although he had not heard the news on the radio when the bomb explosion took place, he did hear the news of the murder of Mahatma Gandhi by Nathuram Godse. He did not know any such name as Sathe which shows that either Mr. Barve, the District Magistrate, never talked to him about this man or he did not believe the story which Sathe is stated to have given to Mrs. Barve. There was a governmental order to watch the activities of the Hindu Mahasabha. He had no information that Poona people had gone to Delhi to murder Mahatma Gandhi but the police were not guilty of want of vigilance if they did not come to know anything about Apte and Godse and party and of what they were doing. Talking about the bomb thrown from the Poona City Library, he said that the bomb was not thrown on any particular person but its object was to create a scare. He specifically stated that as the bomb was not thrown on any particular person, the police did not think it necessary to take stringent action.

21.109 He had heard of the Rashtra Dal but did not know the particulars of its activities. He did not know anything about Balukaka Kanitkar's writing to any Minister. He could not remember anything about the speeches made by Nathuram Godse nor whether any allegations were made by socialists led by Jayaprakash Narayan and others that the Hindu Mahasabha and the R.S.S. were going to kill

Mahatma Gandhi. He was shown a report of the meeting of November 28, 1947, Ex. 71, in which it was stated that the Hindu Sabha leaders had been accused of intention to kill Mahatma Gandhi and Pandit Nehru and there was no denial of the allegation made against them by the Hindu Mahasabha speakers. On the contrary, the allegations made were repeated as if it was a matter of pride to the Hindu Mahasabha. Mr. Pravinsinhji had no recollection of it. He could not remember what was contained in D.S.P.'s Weekly Diary dated 28th November regarding the meeting above referred to.

21.110 He had not heard about Karkare or Madanlal or that they were visiting Poona. He did not know that Badge was an associate of Nathuram Godse or Apte. Hindu Mahasabha workers were sympathetic towards Hyderabad movement and there was a strong rumour that arms were being collected but he had no credible information.

21.111 As far as the Commission has been able to see from this gentleman's evidence, his knowledge of essential events falling within the purview of this Inquiry was very little, if he had any at all. He either did not know anything about the main actors in the tragedy or had no recollection of events. His evidence seems to show that prominent Hindu Sabha workers were confining their activities to anti-Muslim propaganda but there was no indication according to him of there being any danger to Mahatma Gandhi's life. He knew nothing about Balukaka Kanitkar's warning nor even of the speeches which were made at the Hindu Mahasabha meeting in reply to Mr. Jayaprakash Narayan's speeches. All this really did not show that this gentleman was bothered very much about what was really happening in Poona.

G. P. Angarkar, Wit. 68—

21.112 Mr. G. P. Angarkar, retired Deputy Superintendent of Police, C.I.D., Witness No. 68, was an Inspector in charge of L.I.B. at Poona in 1947-48. He appeared before the Commission although at great personal inconvenience because of his ailment. He said that Nathuram Godse was not being watched. He never heard of his making a speech that "Gandhi says that he would live for 125 years but if anybody lets him". If such a speech had been made, it would have been reported to him and he would have at once brought it to the notice of the D.I.G., C.I.D. He said that there were no reports in the Local Intelligence Branch about the activities of Nathuram Godse nor that he was taking or going to take part in any violent activity, still less with the bomb thrown at the Mahatma's meeting. There was nothing to indicate his complicity in that affair. He had no reason to suspect the loyalty of the police.

21.113 The police used to watch the movements of those who were followers of Savarkar in a general way but the activities of Hindu Mahasabha in Poona were not directed particularly against Mahatma Gandhi. The policy of the Agranis was anti-Gandhi and anti-Congress and it was considered to be a pronounced by communalist paper.

Mrs. Sarla Barve, Wit. 39—

21.114 Unfortunately, Mr. Barve, the Collector, being dead, the Commission could not have the advantage of his testimony or his assessment of the situation. His widow, Mrs. Sarla Barve, appeared before the Commission as witness No. 39 but naturally she cannot throw much light on the conditions, events and happenings in Poona. But she has given one piece of information which is of the greatest importance if one could get corroboration of that matter and that is that two or three days before the murder of Mahatma Gandhi a man called Sathe who was a retired school master came to see her husband but as he was not there he saw this lady and told her that people of Poona had gone to Delhi to take the life of Mahatma Gandhi and she repeated the story to her husband who was very restless and had been so since the 27th January 1948. After she had given the information to her husband, he became more restless and was telephoning all the time but she does not seem to know anything more excepting that Sathe was a retired school master.

21.115 Commission wanted to examine Sathe but unfortunately he could not be traced. So this story remains uncorroborated. Commission finds no reason to disbelieve this lady but as it is a matter of great importance, it would not like to base its conclusions on this evidence alone. As the wife of the Collector, she could not have had the same interest in the affairs of the district as her husband would have had. It would be safer to hold this bit of evidence not sufficient to prove pre-knowledge.

21.116 The non-officials who have deposed as to their previous knowledge are Mr. G. V. Ketkar, witness No. 1, Mr. S. R. Bhagwat, witness No. 69, Mr. R. K. Khadilkar, M.P., witness No. 97, and the late Mr. N. V. Gadgil and the late Mr. K. Jedhe, Member of the Constituent Assembly, who gave certain information to Mr. Gadgil. Besides these witnesses, there is some documentary evidence showing the previous knowledge of Balukaka Kanitkar.

R. K. Khadilkar, Wit. 97—

21.117 Mr. R. K. Khadilkar, witness No. 97, after relating the conditions which were prevailing in Poona at the time stated that the writings in the Press and the trend of public speeches as also private talks showed that the people were critical of the Mahatma because he had betrayed India and for them India was synonymous with Hindus only and that he would continue to betray the country. The *Hindu Rashtra* particularly was ventilating these feelings very clearly and so was the *Kal*.

21.118 After the bomb was thrown, there were rumours in Poona that there was some conspiracy to kill Mahatmaji but as Balukaka had already informed the authorities, Mr. Khadilkar took no steps to apprise the authorities of this. Even senior Congressmen like Kaka Sahib Gadgil, Mr. Jedhe, Mr. S.S. More and others were all under the impression that Balukaka had given the information and there was no need to do anything more. He said before the bomb was thrown the atmosphere was poisonous and after the explosion there was alarm. But as the local police were "with us" Mr. Khadilkar and

party did not inform the authorities. He then added that before the first attempt was made and after the Partition and the giving of the 55 crores the atmosphere in Poona was highly poisonous and antagonistic towards Mahatma Gandhi and people were saying that the Mahatma had bartered away the country to appease Pakistan.

21.119 There seems to be some confusion in the mind of Mr. Khadilkar. Though the Partition had been decided upon in June, it actually took place in August and Balukaka is alleged to have written informing Mr. B.G. Kher somewhere in July 1947. So what was happening or the reaction which was created by subsequent events e.g. giving of 55 crores and other activities of Mahatma Gandhi to which objection was taken was much later, and to say that people who were in the know of danger to Mahatma Gandhi's life did not take action because Balukaka had already informed the authorities, does not seem to be an explanation which fits in with the facts and circumstances of the case; and as far as the local police is concerned, Deputy Superintendent Angarkar, witness No. 68, does not accept the position of the "police being with us".

21.120 In cross-examination Mr. Khadilkar said that he had no knowledge of the conspiracy at all, least of knowing that Godse, Apte, Karkare and Badge were going to take part in it. "I did not know of anybody who was going to commit this offence." He added that he did not know that the offence was likely to be committed but the atmosphere was such that they were sensing danger of something happening. In reply to a question by the Commission he said, "We sensed some danger to Gandhiji. We sensed danger through that camp which was advocating Hindu fanaticism or fanning it, that was in Poona. I was very much in Poona."

"Q. Did you connect this with Poona, Nagpur, Allahabad, Delhi or some other place?

A. Poona."

He then said that the danger to the Mahatma was from Hindu fanatics and Hindu fanatics were all over India. When he was asked about the statement of Mr. Morarji Desai that the danger was from three quarters: Hindu fanatics, refugees and Muslims, his reply was "As a general assessment I should say yes but as far as my knowledge went the danger came from the Hindu fanatics, i.e., the small section of the Hindu Rashtra Dal which was part of Hindu Mahasabha and some R.S.S. quarters."

21.121 When he referred to the atmosphere being tense and critical of Mahatma Gandhi, he meant that some Hindu Mahasabha papers were bitterly criticising Mahatma Gandhi. He added that the danger was from Hindu fanatics and the dangerous newspapers were the *Kal*, the *Trikal* and the *Agrani* or the *Hindu Rashtra*.

21.122. He then said that the sources of information of the Government were vast but he could not say what precautions they should have taken. When asked whether there was any deliberateness in this lack of vigilance on the part of the Government, his reply was that he would not go as far as that but there was general lack of vigilance.

21.123 He was examined by the Bombay Police, by Inspector Pradhan on March 12, 1948. (See Crime Report No. 38).

21.124. Mr. Justice Achhru Ram in the Appellate Judgment said at page 216:—

"Baba Sahib Paranjpe, Raghunath Keshav Khadilkar and Parvin Chandra Sethia were some of the other persons to whom Badge is said to have been supplying arms and ammunition for use in Hyderabad. They were presumably workers of the State Congress.....".

21.125 The statement of Mr. Khadilkar shows therefore—

- (1) That there were rumours in Poona regarding danger to the Mahatma, newspapers belonging to the Hindu Mahasabha school were creating an atmosphere of violence.
- (2) That Hindu Mahasabha people were going to cause injury to Mahatma Gandhi and they were disappointed when the first attempt did not succeed.
- (3) He did not give any information to the authorities because he knew that Balukaka Kanitkar had already informed Mr. B. G. Kher and also because the local police was "with us" which Deputy Superintendent Angarkar has denied.
- (4) He would not say that there was deliberate lack of vigilance on the part of Government, but there was a general lack of vigilance.
- (5) High Court judgment shows that Badge was supplying arms to Mr. Khadilkar for the purposes of user in Hyderabad State.

S. R. Bhagwat, Wit. 69—

21.126 Mr. S. R. Bhagwat, witness No. 69, who also claimed to have previous knowledge of danger to Mahatma's life stated that he had informed Mr. B. G. Kher and Mr. Morarji Desai in Bombay and even Sardar Patel at Delhi of the danger to Gandhiji's life, that the basis of his knowledge was a speech made by Balukaka Kanitkar at one of the street corners where he had said that Nathuram Godse and his friends were saying that Mahatma Gandhi was in favour of Muslims and was not protecting the Hindu interests, he must, therefore, be removed and should not be given any position where he could influence the decision in regard to Pakistan. But he had not said that Mahatma Gandhi should be murdered. He did not know the friends who were saying all this.

21.127 This information may, in the circumstances which occurred later, have an important bearing. But at the time it was given it must have appeared very vague more so than what Balukaka Kanitkar conveyed. It is not only a second-hand information but a third-hand information, i.e., Balukaka was saying that Godse and his friends were saying something about the removal of Mahatma Gandhi from the position that he enjoyed.

21.127-A What Balukaka wrote to Mr. B.G. Kher and what he stated to the police after the murder of Mahatma Gandhi and what he

wrote in his letter to the Governor General in Ex. 11 has been discussed in Chapter 21 paras 91, 102 and 105 showing something added in each successive statement.

R. C. Joshi, Wit. 80—

21.128 Coming to Ahmednagar, Mr. R. C. Joshi, ICS, witness No. 80, who was the Collector and District Magistrate at the time said that before the murder he did not know that there was a conspiracy brewing in the area under his charge to kill Mahatma Gandhi. There were no anti-Congress feelings in Ahmednagar. The propaganda was directed against the Muslims rather than against Mahatma Gandhi and the feelings in Ahmednagar were not anti-Mahatma but were anti-Muslim.

J. S. Rane, Wit. 40—

21.129. Next witness Mr. J. S. Rane, witness No. 40, was the District Superintendent of Police of Ahmednagar at the time. He stated that he called in Intelligence to watch Karkare and Madanlal. They were ordered to be detained because of their activities against Muslims.

Inspector Razak, Wit. 34—

21.130 Inspector Sk. Abdul Razak, witness No. 34, who had been specially sent to Ahmednagar from Poona to make investigation into bomb incident there stated that the activities of Karkare and Madanlal were anti-Muslim and were not directed against Mahatma Gandhi. He made report, Ex. 58, dated January 26, 1948, about Karkare, showing some connection between Karkare and Nathuram Godse.

Sub-Inspector Balkundi, Wit. 37—

21.131 Sub-Inspector Balkundi, witness No. 37, also stated that Karkare and Madanlal were watched for anti-Muslim activities and in Ex. 66 dated 4th January 1948 he has set out their activities.

J. D. Nagarvala, Wit 83, J. S. Bharucha, Wit. 22—

21.132 Mr. Nagarvala, witness No. 83, said that there was a section of the Hindu Mahasabha which did believe in political assassination as a means of achieving political ends. He did know about Savarkar and about his previous history and that he believed in political assassination but the police did not know who his companions and followers were. That group was not operating in the City of Bombay and therefore their activities were not closely watched by the Bombay Police. Even Savarkar was not under watch. Being a political leader, Government would not agree to his being watched. Further he said that before the throwing of the bomb at Mahatma Gandhi's prayer meeting, he had never heard of Madanlal nor had he heard of Godse, Apte and other persons who were accused in the conspiracy case except Savarkar. Their activities were not known in the City of Bombay. As the Deputy Commissioner of Police, Special Branch, he did not hear about them because their activities were confined to places outside Bombay. Mr. J. S. Bharucha has also made a somewhat similar statement.

21.133 All this evidence from Ahmednagar, Poona and Bombay shows one thing clearly that there was no indication from the reports received by the police that there was any person or set of persons who were contemplating to form or had formed a plot to murder. Mahatma Gandhi nor is there any proof that any of these officials had heard of the speech of Nathuram Godse deposed to by Mr. G. V. Ketkar to the effect that Gandhi says that he would live for 125 years; he would do so if anybody lets him. These officers do not also seem to have heard anything about the letter of Balukaka Kanitkar to Mr. B. G. Kher or the information given by Balukaka Kanitkar and by Mr. S. R. Bhagwat to Mr. Kher or Mr. Morarji Desai. Of course, nobody has stated anything in regard to Mr. Khadilkar because he appeared at later stages and no questions were put in regard to him. Evidently, none of these non-official gentlemen thought it fit to take the police into confidence which was the only force which could properly have investigated about the threat to Mahatma Gandhi's life if there was any from Godse etc. Mr. Kotwal is justified in saying that if the non-official gentlemen like Mr. G.V. Ketkar, Balukaka Kanitkar, S. R. Bhagwat, Mr. R. K. Khadilkar and even Mr. Morarji Desai had any information they never gave it either to the Secretariat or to the police. Commission can well appreciate the attitude of the politicians or non-officials because upto the time India became free there was not much love lost between the Indian politicians, to whatever school of thought they belonged, and the police; and merely because Independence had come, they could not suddenly change and become friendly with the police or begin to repose trust in them in spite of Mr. Khadilkar's statement (to be discussed later) that Inspector Angarkar was "one with them" and he knew everything which Inspector Angarkar has most emphatically denied.

Pre-knowledge of Bombay Government—

21.134 One of the most important issues in the Inquiry is the factum of the knowledge of any of the authorities of the Bombay Government about Mr. G. V. Ketkar's assertion that he got Balukaka Kanitkar to write to Bombay Government about the speech of N.V. Godse's threat to assassinate Mahatma Gandhi or danger to Mahatma Gandhi's life at his hands. Really the issue involves the question of conspiracy to kill but the Commission has interpreted it to also comprise previous knowledge of danger or threat to the life of the Mahatma. Because of its importance, the Commission thinks it necessary to deal at some length with the evidence of the then Home Minister, Mr. Morarji Desai, and of Mr. V. T. Dehejia the Secretary, Home Department, and to discuss their state of knowledge about Mr. Ketkar's assertions. Of the two Bombay Ministers who should have been in the know of this information, Mr. B. G. Kher is unfortunately dead but Mr. Morarji Desai is fortunately alive to depose as to correctness or otherwise of this claim. In spite of the immunity under the Code of Civil Procedure, he has appeared before the Commission and has made his statement in a straightforward manner without any kind of hesitation or prevarication. He has deposed to facts within his knowledge even of those facts which happened more than twenty years ago. Mr. Morarji Desai was witness No. 96 before the Commission and this is what he has stated about the matter.

Mr. Morarji Desai, Wit. 96—

21.135 The Commission has set out his evidence in his own words wherever it was meet and proper or expedient.

21.136 After his attention was drawn to the statement of Mr. G. V. Ketkar that a letter had been sent at his instance to Mr. B. G. Kher through Balukaka Kanitkar and to the statement of Balukaka Kanitkar that Nathuram Godse had said that Gandhi and Nehru were thorns in the establishment of Hindu Raj and they should be removed, Mr. Morarji Desai was asked—

“Q. Did Balasahib Kher ever talk to you about this letter?”

A. I think he did but as far as my memory goes no names were mentioned in that.”

21.137 He had no recollection of what Balukaka Kanitkar had published in the *Purushartha* dated May 23, 1956, Ex. 166, in which it was said that Mahatma Gandhi should be killed. There is some material discrepancy between the copy available in the Public Library and the copy produced by Mr. Ketkar which has been discussed under Issue I. Again Mr. Morarji Desai said, “I do not think I saw the letter. Balasahib Kher told me the contents of the letter. As far as I can recollect no names were there.” Continuing he said:—

“From my recollection I can say that the letter seemed to show that the atmosphere was very tense and there was danger to the life of Mahatma Gandhi which several other people were saying and which we also felt because of the atmosphere which refugees had created.”

Thus, according to Mr. Desai, the atmosphere was tense, other people were also saying, i.e., it was a matter which was not a secret, the Government circles were also feeling it and it was caused by the advent of refugees from Pakistan.

21.138 He added that no names were mentioned in the letter. “Nathuram Godse’s name was not mentioned by Balukaka Kanitkar”. Proceeding he said:—

“It is true that about the time when Partition came about the atmosphere in Poona particularly was very tense among the Hindu Mahasabha circles. There was also tendency to advocate violence in the Hindu Mahasabha Press. There was a very tense atmosphere among certain circles against Gandhiji and against the Congress and also against the Congress leaders which was expressed in rather intemperate and violent language.”

21.139 Referring to the article of Mr. N. V. Gadgil, Ex. 103, he said, “It is true that in the particular leadership in Poona atmosphere was being created by newspapers conducive to violence.” The Government demanded securities from some of them. “It (violence) became stronger when the Partition took place and the refugees came from Pakistan and it was at its height at the time of the fast.”

21.140 Balukaka “used to tell me that the atmosphere in Poona was very tense and there was danger to the life of Mahatma Gandhi and also to the life of the Congress leaders generally. He never mentioned any names as to who was going to harm Mahatma Gandhi. The names of Godse and Apte were never mentioned to me. If these names had been mentioned to Balasahib Kher, he would certainly have mentioned them to me.” He (Mr. Desai) would certainly have taken action against them if they were mentioned to him.

21.141 He added that there was no complacency on their part nor was the matter being taken lightly “.....all of us including Sardar Patel, myself and my chief Balasahib Kher were worried about it, and we mentioned the matter to Gandhiji about the danger.” They could not do anything more than keeping some plain-clothes policemen around Mahatma Gandhi.

21.142 He said that it was incorrect that the only person who knew about it and who tried for six months to prevent the tragedy was Balukaka Kanitkar. Balukaka never sent any telegram to Mr. Kher or to him (Mr. Desai), “but I can say this much that he never mentioned any name to me and I have said earlier if names had been mentioned I would have taken suitable action. The first time any names were mentioned was when Professor Jain talked to me on the 21st January 1948.”

21.143 Then he said—

“There were rumours that there was a conspiracy going on against Gandhiji because of the Partition and of the 55 crores. I did not hear people saying that there was no escape for him and his life was in danger. This was about the time when he undertook the fast.”

21.144 Mr. Khadilkar and others gave no information to him but both Mr. Kher and himself (Mr. Desai) were worried about the danger. “Balukaka Kanitkar had already talked to us about the danger to the life of Mahatma Gandhi; others also said so; the rumours were already there; and we realised that there was danger.”

21.145 About the information he got from Professor Jain, Mr. Morarji Desai said—

“I was very anxious to give this information (given by Jain) to Sardar Patel. This was the first thing I did at Ahmedabad. I also told him what I had done and he approved of that.”

Further he said—

“It would not be correct to say that I was told that some speech was made by Godse or somebody else. The information given to me was in general terms; there was air of violence that the life of Mahatma Gandhi might be in danger.”

21.146 Referring to Mr. S.R. Bhagwat, Mr. Desai said—

“I cannot recollect exactly but it is possible that he might have written to me about the danger to the life of Mahatma Gandhi. If he says so he must have done so, but I have no recollection.”

21.147 In cross-examination, Mr. Desai said, "I cannot remember having seen the letter written by Balukaka Kanitkar to Balasahib Kher. It has not been put on any Government record. If it had been there, I would have seen it. I was given no names and the information which I received was of a general and vague nature. The information, as far as I remember, was that Mahatma Gandhi's life was in danger. This I may have gathered from what Balasahib Kher told me and from the talk Balukaka had with me. Balukaka used to meet me very often. From this talk and from other information that I had it was not possible for me to locate anybody in particular as the likely assassin of Mahatma Gandhi." Mr. Morarji Desai added that had he known who were involved in this conspiracy, he would have put down the conspiracy by all means at his command.

"I could not say who the exact persons were who would do harm to Mahatma Gandhi but from the information I had I could say that they were likely to be either the refugee or the R.S.S. and Hindu Mahasabha not necessarily from Poona. It was also possible that they could be Muslim fanatics and this class of people was dispersed all over the country and they were more in the North than in Bombay. After I received this information, I am certain I took appropriate and possible action."

21.148 When information came to Government about the welcome to Daji Joshi the matter was discussed between the Home Secretary, Mr. Desai and the Premier "..... after taking into consideration the report by Balukaka Kanitkar in regard to the danger to the lives of Mahatma Gandhi and other top Congress leaders as also on the basis of the C.I.D. reports. We discussed among ourselves about the danger to the life of Mahatma Gandhi which was based on the violent atmosphere that was created in Poona and about which reports were coming to us and which was also related to Balasahib Kher by Balukaka Kanitkar." He then said—

"We did not have any exact information along which we could proceed against any particular persons."

21.149 When his attention was drawn to Ex. 81, the statement of Balukaka Kanitkar before the police in the murder case, Mr. Desai said—

"This letter of Balukaka Kanitkar was received by Balasahib Kher at Delhi and he brought the contents to the notice of Sardar Patel. I had also informed the Sardar about the danger to the life of Mahatma Gandhi sometime in August or September 1947. The Sardar also had this information through his own sources."

"From the intelligence reports of the speeches and the writings of Nathuram Godse reaching us, there was no indication that he was going to murder Mahatma Gandhi or that there was any conspiracy afoot for the purpose."

21.150 Referring to an article from the *Hindu Rashtra*, Mr. Desai said, "I cannot say that Godse was not inclined towards violence but he cleverly clothed his intention by referring to peaceful methods."

21.151 Mr. Desai added that there was not even an inkling of Godse and Apte being in the conspiracy before the murder. "When the murder took place I could not imagine that it had been committed by someone from Poona. I knew that the editor of the *Agrani* was Nathuram Godse".

21.152 Referring to the investigation after the bomb, Mr. Desai said that "we were all working on the theory (including Nagarvala) that the throwing of the bomb was an attempt on the life of Mahatma Gandhi and that there would be a further attempt."

21.153 To sum up the evidence of Mr. Morarji Desai as to his previous knowledge about the conspiracy to murder Mahatma Gandhi or the danger to his life—

- (1) Mr. Morarji Desai admits that the late Mr. B.G. Kher did talk to him about the letter sent by Balukaka Kanitkar but no names were mentioned to him; the contents of the letter were disclosed to him by Mr. Kher but no names were given there.
- (2) His recollection was that the atmosphere was tense. Other people were also talking about it, i.e., it was a matter of common knowledge, the Government circles were also feeling it and this tense atmosphere was the result of the arrival of refugees from Pakistan.
- (3) No names were mentioned in the letter and certainly Nathuram Godse's name was not contained therein.
- (4) When the Partition came, the atmosphere in Poona was particularly tense among the Hindu Mahasabha circles with a tendency towards advocating violence. Among certain circles the atmosphere was against Gandhiji and against Congress leaders which was expressed in rather intemperate and violent language.
- (5) He agreed with Mr. Gadgil's article, Ex. 103, that in a particular leadership in Poona atmosphere was being created conducive to violence which became stronger when the Partition took place and the refugees came and it was at its height at the time of the fast.
- (6) Balukaka Kanitkar in his talk with Mr. Desai used to tell him that the atmosphere in Poona was tense and there was danger to the life of Mahatma Gandhi and also that of the Congress leaders generally, but no names were mentioned by him. Unfortunately, Mr. Desai was not questioned whether he enquired from Balukaka as to the source of this danger and Mr. Desai did not volunteer it. At any rate, it was expedient for the authorities to get the information made specific and get it vetted by the Police (C.I.D.).
- (7) There was no complacency on the part of the Government. They were all worried, including Sardar Patel and Mr. B.G. Kher, and the matter was mentioned to Gandhiji also.

- (8) It was not correct that for six months the only person who tried to prevent the tragedy was Balukaka Kanitkar. Balukaka sent no telegrams to Mr. Kher or to Mr. Morarji Desai nor mentioned any names to them.
- (9) The first time they came to know about any names was when Professor Jain talked to Mr. Kher and Mr. Desai on the 21st January.
- (10) Mr. Khadilkar, witness No. 97, did not give any information to Mr. Kher or to him (Mr. Morarji Desai). Balukaka Kanitkar had told them about the danger, rumours were already there and they realised that there was danger.
- (11) About the alleged speech of Nathuram Godse, no information was given to him. Information was in general terms that there was an air of violence which might endanger the life of Mahatma Gandhi.
- (12) He could not recollect Mr. S.R. Bhagwat writing to him saying about the danger to the life of Mahatma Gandhi but if he (Bhagwat) says so, he must have done so.
- (13) The letter of Balukaka Kanitkar to Mr. B.G. Kher was not put on any official record. So Mr. Desai never saw it. The only information that he had was that the life of Mahatma Gandhi was in danger. This, he might have gathered from the talk with Balukaka and from what Mr. B.G. Kher told him. But from this it was not possible to "locate anybody in particular" or identify any assailant to be.
- (14) From the information he had, Mr. Morarji Desai could not say as to who would harm Mahatma Gandhi but they were likely to be either the refugees or the R.S.S. and Hindu Mahasabha not necessarily from Poona. It could be Muslim fanatics. And this class of people was dispersed all over the country, more in the North than in Bombay.
- (15) When the information regarding welcome to Daji Joshi came in July, 1947, it was discussed between the Home Secretary, Mr. Desai and Mr. B.G. Kher, after taking into consideration the report made by Balukaka Kanitkar and also on the basis of C.I.D. reports. The danger to Mahatma Gandhi's life was discussed which was based on violent atmosphere that was created in Poona. This is the only evidence of a permanent official being brought in for discussion as to reports of Balukaka Kanitkar. And the action taken after this information appears to be a measure taken against the threat mentioned by Balukaka.
- (16) They had no exact information in order to be able to proceed against any particular person.
- (17) Balukaka Kanitkar's letter was received by Mr. B.G. Kher at Delhi and he brought it to the notice of Sardar Patel.
- (18) Mr. Desai also informed Sardar Patel about the danger in August or September 1947 and Sardar Patel already had that information through his own sources.
- (19) The speeches and writings of Nathuram Godse did not indicate that he was going to murder Mahatma Gandhi or a conspiracy for the purpose was afoot. But his writings

in his newspaper although inclined with a slant towards violence, were cleverly clothed in words indicating peaceful methods.

- (20) When the murder took place, Mr. Desai could not imagine that a Maharashtrian could have done it.

21.154 The Commission has thought it necessary to give an extensive analysis of the statement of Mr. Morarji Desai in regard to his previous information about the danger to Mahatma Gandhi's life. But what has struck the Commission as rather surprising is the emphasis which Mr. Morarji Desai has laid on the fact that the danger to the life of Mahatma Gandhi could be from the R.S.S. and Hindu Mahasabha, from the refugees and from the Muslims not necessarily from Poona and this class of people were more dispersed in the North than in Bombay. If it was a mere statement of fact, it may not be wrong but if it is meant as an excuse for any alleged inaction then it cannot be accepted.

21.155 It is true that the refugees were in an angry mood because of pro-Muslim utterances of Gandhiji and that there were certain inflammatory writings in the Punjab Press. (See Mr. J.N. Sahni, witness No. 95). It is also true as stated by Mr. Brij Kishan Chandi-wala that some people did go to Mahatma Gandhi and expressed their feelings in rather angry words. There were also shouts to the effect that 'Marta Hai To Marne Do'—(Let him die if he wants to.). But that was a matter which required the attention of the Punjab Government, of the Chief Commissioner of Delhi or the Government of India. If precautions against those people had to be taken that was indeed their duty but that can be no ground for ignoring the information of tense atmosphere and danger which witnesses have said rather emphatically prevailed in Poona.

21.156 Although Mr. J.N. Sahni has deposed that the refugees were very angry with Mahatma Gandhi because of his pampering the Muslims and his want of sympathy towards them, at the same time he has pointed out that Mahatma Gandhi had done so much for the Punjabi Hindus and Sikhs that in his opinion they could not forget his kindnesses either. Mahatma Gandhi went to Wah in Campbellpur District where a large number of refugees had been collected in a camp. There is no evidence to show that the refugees there showed any sentiments hostile to Mahatma Gandhi. But the Commission would assume without deciding that there was an equally hostile atmosphere created against Mahatma Gandhi in the North, in Delhi, in the Punjab and in the western districts of the U.P. as in Poona, and in the U.P. the R.S.S. had taken to violent activities which are shown to have been directed against the Muslims.

21.157 All this would be a good ground for the Punjab Government or the U.P. Government or the Delhi Administration to get the sources of danger investigated and to take precautions for the protection of Mahatma Gandhi. But the hostile feelings in Poona discernible from the evidence before the Commission was necessarily the responsibility of Bombay Government which required the attention of that Government, if necessary, a careful police inquiry through the C.I.D. The danger due to intense feelings in Poona was the sole responsibility of Bombay Government just as protection against similar state of affairs in Delhi was of the Delhi Administration.

21.158 It must in fairness be pointed out that the evidence before the Commission does not show that any names were given to Mr. Morarji Desai or to any Central Minister. Mr. Desai has denied the mention of any names to him. If any names had been mentioned, the Commission cannot think of any reason why the Bombay Government should not had a proper investigation conducted. After all as soon as Professor Jain gave information about the conspiracy, Mr. Morarji Desai, in the words of the East Punjab High Court, acted with "commendable promptitude" though it proved fruitless. When the police bungled even with correct names having been given to them, the result of investigation based on vague information might not have been different. But that would be in the realm of pure conjecture and would be no ground for the C.I.D. not being put on to trace the source of danger, even if it was not expected to bear any fruit. But of the expediency of this step the Commission has no doubt.

21.159 Whether the direction given by Bombay Government for collecting a list and particulars of members of the R.S.S. and the Hindu Mahasabha was meant to be an inquiry into the correctness of Balukaka Kanitkar's information is not clear nor has it been so claimed except that this matter was considered along with Daji Joshi's welcome and that also in a cryptic sentence in Mr. Morarji Desai's evidence.

Government of Maharashtra—

21.160 In reply to a question in the questionnaire issued to the Government of Maharashtra by the Commission it stated that it had no knowledge about G.V. Ketkar's statement that the atmosphere in Poona was very hostile to Mahatma Gandhi. The records do not throw any light on that point except that Hindu Mahasabha newspapers were criticising Mahatma Gandhi for pro-Muslim policies. Nor is there anything in the records to show that Poona newspapers were indirectly creating this atmosphere leading to violence. The records do not show that occasional news used to be given that something terrible was going to happen.

Precautions taken by the police at Poona—

21.161 All the documents and the evidence concerning the action and precautions taken by the Poona Police on their own or at the instance of the Government of Bombay have been set out and it would not be necessary to deal with all that matter again. Just to give a short resume the Commission may say that action was taken against the newspapers in Poona for carrying on inflammatory communal propaganda. Orders were also issued in August 1947 to compile a list of the leaders of the Hindu Mahasabha and the R.S.S. with directions to keep a watch on their activities and to send special reports in regard to them. But these special reports were discontinued as from November 1947 because they were not considered necessary any longer. But if there was anything particularly inflammatory or objectionable in the speeches of any particular person, they were to be reported to Government.

21.162 There is no evidence before the Commission showing the reason for not keeping a watch over the activities of people who were described as "potentially dangerous", or who were the "brain

behind the Hindu Sabha movement" or were editing rabid newspaper articles and particularly when they were staunch Savarkarites. The advice of the police for discontinuing special reports was an exhibition of sluggish inactivity. Perhaps, the Governments do or even have to accept the advice of their experts or so-called experts. But if the authorities knew the ideology of the persons named as indeed they did, they should have acted differently and not allowed the C.I.D. to spare themselves a little extra effort which careful watching would have involved.

21.163 Government demanded securities from newspapers indulging in propaganda for violence and forfeited securities of some of them.

21.164 Mr. Desai said that there was no complacency on their part and all of them were worried including Sardar Patel and Mr. B.G. Kher. They did not withdraw any special precautions that they were taking about watching the members of the Hindu Mahasabha etc. All that they did was to withdraw the order regarding special reports and that also "for the present". Their object all the time was to have a close watch on the activities of the Hindu Mahasabha and R.S.S. workers. But there is nothing to show that the police did keep such watch except the routine weekly letters which were wholly insipid and colourless.

21.165 Mr. Morarji Desai was asked in cross-examination whether no action was or could be taken against any particular person because none was named and the danger was not localised in any particular area, he replied that no question of immediate action arose because they did not have any exact information for proceeding against any particular person. Lists of Hindu Mahasabha and R.S.S. were supplied to Government by the police and on the basis of that information a security guard was stationed around Gandhiji's residence soon after his return from Calcutta. He added that going back over the events as they took place and the circumstances which existed, they did all that they could and they gave their best throughout.

21.166 Mr. Desai had, on January 12, 1948, ordered the detention of Karkare because he wanted to prevent his doing any further mischief towards Muslims and he had told Nagarvala about it.

21.167 There was not even an inkling of Godse and Apte being in the conspiracy before the murder took place, and when it did take place, he (Mr. Desai) could not imagine that it could be committed by someone from Poona.

21.168 Mr. Desai expected that Nagarvala would take the help of Ahmednagar police to arrest Karkare and if he was not in Ahmednagar to arrest him wherever he was.

V.T. Dehejia, Wit. 84—

21.169 Mr. V.T. Dehejia, witness No. 84, stated that he did not know Balukaka Kanitkar but had heard about him and he did not know whether he or G.V. Ketkar had informed the Home Minister or the Premier about the impending danger to the life of Mahatma Gandhi. If the Home Minister had received any such information, it was up to him to pass it on to the Home Secretary or the police.

21.170 Neither Mr. B.G. Kher nor Mr. Morarji Desai gave him any information regarding Professor Jain or what he conveyed to them regarding the conspiracy to murder Mahatma Gandhi. He came to know about this information for the first time in February 1948 when a notice of a question in the Assembly was received but that question was subsequently withdrawn.

21.171 The activities of the people in Poona and in Ahmednagar, according to Mr. Dehejia, might be called anti-Government but they were really directed against Muslims and Government's pro-Muslim policy. They were not directed against leaders of the Congress as such or individuals leading the movement at the time. "That is as far as our knowledge went".

21.172 He did not know anything about the conspiracy or the persons who were involved in the bomb case.

21.173 When he was District Magistrate at Poona, he came to know that Mr. G.V. Ketkar's activities were pro-Hindu Mahasabhaite. He knew that there were hostile sentiments expressed against Gandhiji in Poona but they came in waves and there was ebb and flow between the period from the Partition to the fast which Gandhiji undertook in January 1948. In between there was no evidence of strong anti-Gandhi sentiments. Writings in the Press were not anti-Gandhi but they were anti-Congress and anti-Muslim. He could not remember about the speech of Dr. Parchure. The Hindu Mahasabha was likely to create trouble against the Government but not any trouble in the nature of murder of Mahatma Gandhi or any other Congress leader. Some of the writings in the *Agrani* and the *Hindu Rashtra*, Ex. 233A and 233 respectively, were particularly venomous and the speeches of Dr. Parchure, Ex. 131, of Mr. G.V. Ketkar, Ex. 206, were, if anything, slightly less.

21.174 In cross-examination Mr. Dehejia stated that the feelings against Mahatma Gandhi were not against him personally but against his pro-Muslim policies. The R.S.S. and the Hindu Mahasabha were anti-Gandhi and anti-Muslim. Some of the Poona papers were criticising Mahatma Gandhi for his pro-Muslim policies but they were not rabid against him but they were rabid against Muslims and pro-Muslim policies of the Congress. But none of the papers preached violence against Mahatma Gandhi or any other Congress leader.

21.175 The attention of the witness was drawn to the statement of Mr. G.V. Ketkar about the hostile sentiments expressed against Gandhiji in Poona. He replied that there was information about anti-Muslim riots or that there would be serious anti-Muslim riots but there was no information about any threats of murder of Mahatma Gandhi.

21.176 He was asked what his source of information regarding the activities of Hindu Mahasabha and the R.S.S. being anti-Muslim and not anti-Gandhi was, he said that he got reports from the District Magistrates and the D.I.G., C.I.D. and the Commissioner of Police, Bombay and he also read newspapers and got information from people who came to visit him.

Purshottam Trikamdas, Wit. 15—

21.177 When Mr. Purshottam Trikamdas, witness No. 15, returned to Bombay after seeing Gandhiji in the first week of January, 1948, a man came to see him whose name he could not recollect.

He came to him for the first time. He was a Hindu closely connected with Gokul Nathji Maharaj, the main Vaishnava temple of the Vallabhacharya sect in Bombay. He probably was a North Indian. "This man told me about the danger to Gandhiji's life and that he knew something about it. He did say that there was a conspiracy to assassinate Mahatma Gandhi." Mr. Purshottam then questioned him closely and he said that he had come to know from circles close to the Maharaj that there was a conspiracy of that nature and that arms were being procured or had been procured of which he (Purshottam) was not sure. Mr. Purshottam then took him to Mr. B.G. Kher who was a friend of his and the man repeated the story to Mr. Kher. Thereafter he called Mr. Morarji Desai to his chamber and Mr. Kher told him why the man had been brought and what the man had told him. Mr. Morarji Desai then took that man to his own chamber and Mr. Purshottam left. Mr. Jayaprakash Narayan stated that he could not have sent any man to Mr. Purshottam because he did not believe that Mahatma Gandhi's life was in danger.

21.178 Mr. Morarji Desai, when asked about this matter, said that he had a faint recollection of Mr. Purshottam having brought a man to him and when the statement of Mr. Purshottam was read out to him, he said that he could not remember who the man was nor what was said to him. If he had told him anything about a conspiracy to murder Mahatma Gandhi, he must have referred him to the police.

Kanji Dwarkadas, Wit. 7—

21.179 Another witness who has deposed to previous knowledge of the Government of Bombay is Mr. Kanji Dwarkadas, witness No. 7. His statement comes to this: that Mr. B.G. Kher returned to Bombay after conveying to Mahatma Gandhi the danger to his (Gandhiji's) life from Poona Brahmins. But Mahatma Gandhi indicated, "If I have to die, I shall die". Mr. B.G. Kher also told him (Kanji Dwarkadas) that he knew that Nathuram Godse was running a rabid newspaper and that those people were after Mahatma Gandhi, and that the Delhi C.I.D. did not take Bombay Police into confidence and did not inform the Bombay Police of the discovery of a shirt with the dhobi mark of "Nathuram Godse" on it, which as a fact is incorrect. It is very difficult for the Commission to believe that Mr. B.G. Kher knew the name of Nathuram Godse, conveyed it to Mr. Kanji Dwarkadas and held it back from his own colleagues and did not disclose it to the police.

21.180 Mr. Kanji Dwarkadas also deposed that the People's Age was saying from August 1947 that Mahatma was going to be murdered and that the Delhi Police was infiltrated by R.S.S. people and the Deputy Commissioner was behind the movement. This allegation against the Deputy Commissioner seems to be wholly unfounded, because this was a canard started against Mr. Randhawa when he took strong measures against those who were breaking the law and were collecting arms in order to take forcible possession of Delhi and naturally the police force got besmeared in that campaign.

21.181 The evidence of Professor Jain and Mr. Angad Singh and Professor Yagnik falls in a different category and has, therefore, been dealt with separately.

21.182 Commission has been at pains to find out what the knowledge of the Bombay Government was *qua* the danger to the life of

Mahatma Gandhi because that, in the opinion of the Commission, is the crux of the whole matter. The Commission has set out at length an analysis of the evidence of Mr. Morarji Desai and of the high ranking police officers and of the members of the permanent service who were then in the Secretariat.

21.183 The question is—

- (1) What did Mr. G.V. Ketkar know about the danger to the life of Mahatma Gandhi and from whom; what steps did Mr. G.V. Ketkar take to apprise the authorities of whatever he knew?
- (2) How much did Balukaka Kanitkar know of this matter and what did he do to apprise the authorities of whatever he knew?
- (3) What did others like Mr. S.R. Bhagwat, Mr. R.K. Khadilkar, M.P. and Mr. Jedhe and even Mr. N.V. Gadgil know about the matter and what did they do to let the authorities know about whatever was within their knowledge?

Conclusion

21.184 From the evidence the conclusions which the Commission has arrived at are these—

- (1) The police officers and the District Administration knew nothing about the tenseness of atmosphere in Poona or the extent of the danger it portended against the life of Congress leaders including Mahatma Gandhi, Jawaharlal Nehru and others.
- (2) Balukaka did know something about the tenseness of feelings and of danger to the life of Mahatma Gandhi. The lives of other top-ranking Congress leaders were also in jeopardy according to that evidence. He wrote to Mr. B.G. Kher who according to the evidence before the Commission apprised Sardar Patel about this danger.
- (3) What knowledge Balukaka Kanitkar himself possessed and what exactly he wrote in the letter remains shrouded in mystery. Unfortunately the letter is not before this Commission. It is not on any Secretariat record. Nobody knows where it is but Mr. Morarji Desai has deposed that from what Mr. Kher told him and what Balukaka Kanitkar himself told him, it appeared that atmosphere in Poona was tense and there was danger to the life of the Mahatma. But the information was vague, no names were mentioned as to where the danger was coming from and what was the extent of the danger. It is unfortunate that it could not be elicited from Balukaka Kanitkar as to where the danger was coming from and who was going to harm Mahatma Gandhi or to assassinate him. Balukaka has written a good deal, made many public and street corner speeches and talked to many people but no one can give any names or sources of danger or who all were in danger. Of course, Mr. G. V. Ketkar is an exception and is a chapter by himself.

- (4) Mr. S.R. Bhagwat has stated that he wrote to Mr. Morarji Desai and Mr. B.G. Kher and also to Sardar Patel about the danger. Mr. Morarji Desai was not prepared to contradict this statement. But whatever Mr. Bhagwat has stated before this Commission is also vague and third-hand information because he merely repeats what Balukaka Kanitkar said he had heard from N.V. Godse and his friends and relations who have remained unknown, unnamed and forgotten.

- (5) Mr. Khadilkar deposed about highly tense and critical atmosphere in Poona against Mahatma Gandhi though there were no open threats; the writings in the Press and public speeches as also private talks were highly critical of the Mahatma because of his betrayal of India. The *Hindu Rashtra* and the *Kal* were highly critical and bitter.

Before January 20, 1948, there were rumours of conspiracy in Poona to attack Gandhiji and it was being said that something will happen to Gandhiji, 55 crores being the proverbial last straw. In Mr. Khadilkar's opinion the violent propaganda in Poona was not anti-Muslim but anti-Congress and anti-Gandhi. He himself took no action or steps to inform the authorities because he thought the Local Intelligence knew it and would inform the Government and Balukaka had already written. He did not inform the Government because he was a "Protestant" and he thought he would not be taken seriously. Besides, his knowledge was not definite, otherwise he would have run up to Bombay to inform the Ministers. But Inspector Angarkar denies any such knowledge and Balukaka Kanitkar wrote in July 1947. Mr. Khadilkar was deposing about the events in December 1947 and January 1948. Perhaps, an earlier information given by Mr. Khadilkar to the authorities might have been efficacious but even then it is only "might have".

- (6) Mr. Kanji Dwarkadas, witness No. 7, has given some indirect kind of information. He has stated that Mr. B.G. Kher had told him that he had told the Mahatma that Poona Brahmins were going to kill him. He also told Mr. Kanji Dwarkadas that Nathuram Godse was running a rabid Hindu Mahasabha paper, that these people were after Gandhiji, that Delhi Police did not take Bombay Police into confidence, that recovery of the shirt with "Nathuram Godse" mark alone would have sufficed to trace the conspirators. He also said that the "People's Age", a communist paper, had, in August 1947, published that the Mahatma was going to be murdered and that the R.S.S. was at the back of it.

It is difficult to believe that Mr. B.G. Kher would tell Kanji Dwarkadas about the danger from Nathuram Godse and not his Home Minister, Mr. Morarji Desai, or his Bombay City or Provincial Police.

- (7) Mr. N.V. Gadgil has also said in his article in the *Dhanurdhari* in the 1964 Diwali number (Exhibit 103) that a leadership was being created which was a source of danger to

Mahatma Gandhi. He has also said that Mr. Jedhe, a Member of the Constituent Assembly, staying with him, did talk in conundrums to him about something terrible going to happen. After the murder he said to Mr. N.V. Gadgil that there was information with him that Nathuram Godse and others were feasted before they left Poona for Delhi to commit the murder. It is indeed inexplicable why a man of the responsible position of Mr. Jedhe knowing about this send-off, should take no steps to counter this mischief by informing any Authority about it. By talking about its happening after the murder he could do no good.

- (8) From the evidence produced, the Commission holds that there was some information conveyed to Mr. B.G. Kher which was subsequently passed on to Mr. Morarji Desai and Mr. Morarji Desai even had a talk with Balukaka Kanitkar about this matter but no names were given and the whole thing was vague. Whatever action was taken as a consequence of this information, vague and nebulous thought it was, is contained in the documents dealt with under the heading "Poona", the most important of which was compiling by the Police a list of Hindu Mahasabha leaders, Ex. 114 and Ex. 114-A, and sending special reports about them which was later discontinued.
- (9) There is no evidence of having information of Balukaka Kanitkar particularised and then scrutinised.
- (10) Mr. N.V. Gadgil has also deposed that Mr. K. Jedhe did know about Nathuram Godse and his companions getting a send-off before leaving for Delhi for committing Gandhi's murder but Mr. Jedhe kept this news to himself and did not tell even Mr. Gadgil.
- (11) It would perhaps have been expedient if this information, whatever it was, nebulous, vague, full of conundrums, without any names, had been conveyed to some high ranking police officer with the direction to investigate the correctness or otherwise of this information. But the Commission cannot help remarking that it would be highly speculative to say what the result of this investigation would have been, and whether the result of giving this information would have been less sterile than the result of positive information given by Professor Jain was.
- (12) Whatever definite information Mr. Morarji Desai had, he, according to his statement, conveyed it to Sardar Patel in August or September 1947 and also to Mahatma Gandhi himself who was, according to the evidence before this Commission, a firm believer in God and his philosophy was that he would serve the people as long as he was required by the Almighty to do and if God willed it otherwise, he would say "Let Thy Will be done".

21.185 The evidence of the witnesses who are permanent civil servants and officials shows utter lack of information about the threats to Mahatma's life or to the life of other Congress leaders including top-ranking Central Ministers. But the evidence of non-officials whether they were in the elected Executive of the Province

or not, does show that there was this likely danger. This has been deposed to by Mr. G.V. Ketkar, Mr. R.K. Khadilkar, Mr. S.R. Bhagwat and documents show that Balukaka Kanitkar not only knew about it but had also conveyed it to Mr. B.G. Kher and Mr. Morarji Desai which was in turn conveyed to Sardar Patel.

21.186 Evidently this threat against Congress leaders and Mahatma Gandhi remained hidden from the officials and the police by a smoke-screen of anti-Muslim movement which successfully deluded them.

Findings—

21.187 On the interpretation which the Commission has accepted, the finding of the Commission is that the following gentlemen must be held to have prior knowledge and they are: Mr. S.R. Bhagwat, Mr. R.K. Khadilkar, Mr. Keshavrao Jedhe and Mr. G.V. Ketkar, all from Poona. In this category would also fall Mr. N.V. Gadgil who was given some information by Mr. Jedhe though wholly hazy and misty and in language which was full of conundrums and would, therefore, be valueless.

21.188 Besides the persons above mentioned, Mr. Purshottam Trikamdas, Barrister-at-Law, witness No. 15, had some information. He has deposed that a man whose name he does not remember came to see him and told him that the life of Mahatma Gandhi was in danger and he took him to Mr. B.G. Kher and then to Mr. Morarji Desai but the latter has no recollection of this fact. Mr. Kanji Dwarkadas, witness No. 7, has also deposed to Mr. B.G. Kher having had some information but the Commission has been unable to derive much benefit from his testimony.

21.189 That is the finding of the Commission on the first term of reference, i.e., term (a).

PRIOR KNOWLEDGE OF PROFESSOR JAIN AND HIS FRIENDS

Professor J.C. Jain, Wit. 27—

21.190 Professor Jagdish Chander Jain, witness No. 27, was also examined in court as PW 67. At the relevant time he was a professor of Hindi Literature at the Ramnarain Ruia College in Bombay, where he has been employed since 1938. According to his statement, he had been taking interest in politics and was detained during the II World War under the Defence of India Rules. He associated himself with what was called the "Progressive" group. According to his statement, he started taking interest in the refugees when they came to India after the Partition of 1947.

21.191 In about September 1947, Professor Jain met Madanlal, a refugee from the Punjab, at Chembur where there was a refugee camp. Jain got attracted towards Madanlal who he thought was an impressive youngman and who was introduced to him by a Mr. Gupta. In order to help him monetarily, Jain gave Madanlal his books to sell on a commission basis.

21.192 In about December 1947 or the beginning of January 1948 Madanlal came to see Jain and was accompanied by a person whom he called "Seth from Ahmednagar". He told Jain that he had been

selling vegetables and fruits and was being helped by the Seth. He mentioned to him the incident of his assaulting Raosahib Patwardhan, a Congress leader, while Patwardhan was addressing a Hindu-Muslim unity meeting. He also showed him some Marathi newspapers attacking the activities of Madanlal. The two then left Jain. Madanlal returned and told Jain the name of the Seth to be Karkare who then was running a big hotel in Ahmednagar and also that Karkare was financing the Hindu Mahasabha movement in Ahmednagar in which Madanlal had started taking part. Madanlal also told Jain that there was an arms and ammunition dump somewhere in the jungle where he was taken blindfolded and which was being guarded by a bearded man like a Sikh. Jain says he knew nothing about Karkare or his activities.

21.193 Sometime later, Madanlal again met Jain and wanted to talk to him in confidence. Jain took him to his house and there Madanlal told him of the conspiracy to commit a murder which on questioning by Jain was disclosed to be to murder Mahatma Gandhi. It flabbergasted Professor Jain and he tried to talk Madanlal out of such an atrocious intention.

21.194 Prof. Jain mentioned this fact to some of his friends amongst whom was Angad Singh, witness No. 28 before the Commission and PW No. 72 in court. He also talked to another college professor Yagnik, witness No. 29 and to Mr. Shriyans Prasad Jain, witness No. 88. His friends evidently did not take Madanlal seriously and Professor Jain himself was not quite convinced about the genuineness or the seriousness of the threat and therefore he did not inform the police. This was sometime in early January 1948. Jain tried to inform Mr. Jayaprakash Narayan also about what he knew that there might be some conspiracy in Delhi. He could not do so because the latter was busy and was not in a mood to listen to what Jain was saying.

21.195 Unfortunately Jain was not convinced about the threat and as he did not know any Congressman of importance, he did not do anything at that stage. The reason given by Jain was "the thing was too serious as well as too uncertain". Three or four days before the explosion, Madanlal again came to see Jain and told him that he (Madanlal) was going to Delhi. Jain warned him against doing anything criminal but Madanlal said that he was going to get married and would see him on his return.

21.196 On the morning of January 21, 1948, Angad Singh came running to Jain and informed him about the bomb explosion in Delhi and also about the arrest of Madanlal in connection with the bomb. Jain and Angad Singh then decided that they must inform somebody in authority. Jain tried to phone Mr. Dayabhai Patel, son of Sardar Patel, but he could not get him as he had gone to see his father off at the Airport. He then thought of S.K. Patil but he had also gone to the Airport. Jain then went to Premier Balasahib Kher whom he saw in the office with great difficulty. He tried to narrate the whole story to Balasahib Kher but he (Kher) had some other urgent engagement so he could not hear the whole story and put him into touch with then Home Minister, Mr. Morarji Desai, who heard his story in which he mentioned the name of Karkare which was the only name given to him by Madanlal; as Madanlal had said that he

did not know the names of other persons. This has to be emphasised because later on Jain claimed to have disclosed the names of Madanlal's confederates which had been given by Madanlal and made a grievance of their not having been arrested. (See Ex. 47, letter of Jain to the Prime Minister, dated April 20, 1948). Madanlal had disclosed to Jain the existence of an arms' dump somewhere in a jungle near Bombay in a secret place and which was guarded by a person who looked like a Sikh having a beard and that Madanlal had been taken to the place blindfolded. This fact also Jain narrated to the Home Minister. Jain gave his address and a neighbour's telephone number to the Home Minister in case he was required at any time. Jain offered to go to Delhi to see Madanlal saying that he would be able to get the whole story from him.

21.197 According to Professor Jain, the Home Minister did not ask him to go to the police nor did he call any policeman to record his statement. Surprisingly enough Professor Jain says that he might have asked Mr. Morarji Desai that his name should not be disclosed because he was living in rather an explosive locality and he did not like to be accused of giving information in regard to the conspiracy which would have endangered his life and that of his family.

21.198 From the whole trend of his statement made before the Commission it appears that Professor Jain did not want his name to be given out by Mr. Morarji Desai to anyone not even to the police. And that is what Mr. Morarji Desai stated in court and also said in Bombay Legislative Assembly.

21.199 In view of this fear element and his anxiety to remain anonymous it does appear a little fatuous to say that no policeman was asked to record his statement or he was not asked to see the police. The two things are mutually contradictory. Professor Jain could not ask that his name should not be disclosed and at the same time complain that he was not examined by the police or asked to go to the police. Similarly, Professor Jain cannot complain that Madanlal's co-conspirators were not arrested when he had not given their names to anyone. To make a grievance of this fact to the Prime Minister by his letter seems to be rather curious.

21.200 After he had given this information, the police did not get into touch with Professor Jain. How could it if even his name was not disclosed to the police? It appears that the Home Minister was trying to keep the name of Professor Jain secret. Professor Jain has also stated, "I know that some important personage had telephoned Mr. B.G. Kher to the effect that such an important information had been conveyed to him and what was being done in regard to that information".

NOTE—There is no means of checking this statement. Balasahib Kher is dead; the name of the important personage has not been given.

21.201 Professor Jain says that he was disheartened because he tried to contact Mr. Jayaprakash Narayan and he did not take any notice of him. He was perturbed because knowing the locality he was in, he did not feel safe. As a matter of fact, after the murder had been committed, many people came, sat down opposite his house and troubled his children and made their life difficult.

21.202 After the murder, Professor Jain again tried to contact Balasahib Kher and Mr. Morarji Desai but he could not get an appointment because he was told that they could had no time to see him. An appointment was, through the instrumentality of a common friend, a Mr. Madan Shetty, subsequently fixed up with Mr. Morarji Desai. When Jain went to see Mr. Morarji Desai, there were some other people sitting; and Jain has not been able to tell the Commission what conversation passed between him and the Home Minister.

21.203 When asked by the Commission as to why he did not give any information to the police, Professor Jain answered that because he had conveyed the information to the Home Minister he had done his duty. Some two or three days later, Professor Jain again went to see Mr. Morarji Desai and Mr. Desai told him that he had passed on the information to Sardar Patel and Nagarvala was waiting for him and he should go to the police station. Nagarvala happened to come to the Home Minister's place while Professor Jain was still there and was rather brusque with Professor Jain and said to him what if he put him (Jain) under arrest to which Jain's reply was just "try". Professor Jain says that he felt very restless because in spite of the information that he had given, nothing had been done to protect Mahatma Gandhi.

21.204 After saying all that Professor Jain stated that Madanlal had told him that he was going to throw a bomb which would cause confusion and Gandhiji would be overpowered by his party, the idea being to kidnap Gandhiji and to do what they liked with him. This statement seems to be at variance with the conspiracy story statement and on this point Professor Jain does not seem to be quite clear. But this much he has stated that whether the idea was to murder Mahatma Gandhi or merely to kidnap him, he was not convinced of the genuineness of the threat. Then he says that he told the Home Minister "what I had been told by Madanlal was to throw a bomb at the prayer meeting, cause confusion and then to overpower Gandhiji". Because a bomb was actually thrown as Madanlal had said, Professor Jain was convinced that Madanlal was serious in his talk and that is why he went to the Minister.

21.205 About the information of the existence of a dump of arms and ammunition, Professor Jain, on further questioning by the Commission, said that he must have told Mr. Morarji Desai about it. He also said that it never occurred to him that he should write to Mahatma Gandhi and he took shelter behind the fact that he had told the Home Minister and that was quite enough. He had done his duty. That is Professor Jain's reply to every question put to him about his earlier inaction and/or later keeping *mum qua* the police.

21.206 Professor Jain was still perturbed because he could not have a fuller talk with the Home Minister or with the Premier. Mr. Morarji Desai told him that he had passed the information on to the Home Minister and also to Gandhiji but Gandhiji was against any protection.

21.207 The second interview with the Premier was after the murder. This interview took place at the residence of the Premier. When Jain was about to leave the house of the Premier, Mr. Morarji

Desai also arrived. Balasahib Kher told Mr. Desai that Jain was charging the Ministry of negligence. Thereupon Mr. Desai flared up and said to him that he was a conspirator and that he could be put into jail and he asked why information had not been given to him earlier. He shouted at Jain and Jain went on listening. At the end of it Jain said to Mr. Morarji Desai, "If I was a conspirator, you are a murderer" and that he would repeat to the world "you are guilty, you are guilty".

21.208 Professor Jain also stated that Madanlal had told him that he had gone to Savarkar and Savarkar patted him and others on the back and said, "May you be successful". This statement was also repeated to Mr. Morarji Desai.

21.209 In cross-examination, Jain referred to his book 'The Murder of Mahatma Gandhi' and said whatever was stated in it about the incident is correct.

21.210 Madanlal had also told Jain that there was a warrant of arrest against Karkare. This fact was also conveyed to Mr. Desai on January 21, 1948. Jain also told Mr. Desai about Madanlal's attempt to dynamite the house of a Muslim which was prevented by the timely arrival of the police. He said that whatever was written in his book was conveyed to Mr. Morarji Desai. The reason given for not informing the police by Jain was stated rather pontifically that he did not inform the police because Madanlal was a youngman and that Jain himself was rescuing him from the path that he, Madanlal had chosen.

21.211 When the statement of Mr. Morarji Desai in the Bombay Legislative Assembly, Vol. XIV, Pt. I of 1949 at p. 834, was put to witness, Professor Jain, he said it was partially correct.

21.212 He has further stated that he wrote a letter, Ex. 47, to the Prime Minister on April 20, 1948, in which he had said that he had given the names of persons connected with the conspiracy to the Ministers but some of them were going scot-free. When asked whether he did give these names, he said that he had and when asked what the names were he said he has forgotten the names. This letter was handed over to the Prime Minister when he went to Bombay. In this letter is mentioned that on January 21, 1948, he tried to contact Sardar Patel and S. K. Patil but when he could not get them he evidently did the next best thing. He contacted the Premier of Bombay on the telephone and asked for an interview and the same day in the Secretariat he related to Mr. Kher and Mr. Morarji Desai the history of Madanlal with all the details known to him. He also mentioned the other incidents about dynamiting the house, the assaulting of Raosahib Patwardhan and about the dump of arms and about other details including the conspiracy to kill Mahatma Gandhi. In this letter, he has corroborated practically all the statements which are relevant for the purposes of this Inquiry.

21.213 Professor Jain has published a book under the name "The Murder of Mahatma Gandhi". This book was first published in 1949 under the caption "I Could Not Save Bapu". In this book, he has, at pages 13 to 20 and again at pages 67 to 73, substantially reiterated what he had stated before in the trial court and what he has now stated before the Commission.

Conclusion

21.214 Professor Jain's evidence shows—

- (1) that he knew Madanlal.
- (2) Madanlal disclosed to Jain the factum of conspiracy to murder Gandhiji.
- (3) Madanlal knew the name of only one associate but not of any other as Professor Jain later claimed in his letter, Ex. 47, to the Prime Minister. If he did know the names of others he did not disclose them to anyone else for reasons best known to himself.
- (4) Jain did not take Madanlal seriously at first and in this he had the concurrence of his friends.
- (5) It was only after the bomb was thrown that Jain thought the matter to be serious.
- (6) He sought an interview with Premier B. G. Kher which he got with some difficulty. Mr. Kher left him in charge of the Home Minister, Mr. Morarji Desai, as he himself had another engagement.
- (7) What exactly Jain told the Home Minister is not quite clear from Jain's evidence because Jain first said that Madanlal's statement indicated a conspiracy to murder and later on Jain introduced the story of the objective being creating confusion and kidnapping Mahatma Gandhi and doing with him what they liked.
- (8) Jain did not go to the police and his reason of not doing so was that he had disclosed the whole story to Mr. Morarji Desai and he did not think it necessary to go to the police and further he pontifically stated he could talk Madanlal out of this nefarious design. Unless Jain himself could tell us the reason of his not going to the police it will be a mere conjecture to suggest a reason for his not doing so. But one should not forget that he was a "leftist" "a progressive", had had a term of detention and therefore could not have been very fond of the police. Besides, he himself stated he was residing in an eruptive locality.
- (9) Jain had seen the Home Minister and might well have considered to have done his duty. He swears that he told everything to the Home Minister including the previous activities of Madanlal.

Angad Singh, Wit. 28—

21.215 The next witness in regard to this part of the case is Mr. Angad Singh, witness No. 28. He seems to be an old friend of Professor Jain. He stated that he met Madanlal in October 1947 at the house of Jain and he again met him at his house after the meeting addressed by Sardar Patel. Later on he was told that Madanlal had met Professor Jain and told him that they were going to murder top Congress leaders like Mahatma Gandhi, Nehru and others but the witness did not take him seriously. After Mahatma Gandhi's return from Calcutta and after his fast, Madanlal again came to

Professor Jain and told him that his party had decided to murder Mahatma Gandhi and Jain tried to talk Madanlal out of his wild talk but Madanlal told him that he could not get out of it otherwise he himself would be murdered. If this fact was stated then there was no cause of hesitancy on the part of Jain or his friend. Professor Jain had also told him that Madanlal was patted on the back by Savarkar who incited him to kill somebody big rather than assaulting small people.

21.216 On January 21, 1948, when this witness read in the morning newspapers about the attempt on Mahatma Gandhi's life, he went to Jain and seriously talked about the matter. They were convinced about its seriousness and decided to inform the officials. Jain telephoned to the Premier's residence and then he tried Mr. S. K. Patil but both of them had gone to see off Sardar Patel. Later on they got Balasahib Kher on the telephone and an appointment was fixed but Angad Singh could not go because he had some other business. They thought it was better to inform the Premier rather than the Police. Angad Singh also mentioned this fact to Mr. Jayaprakash Narayan who said he was going to Delhi and would mention it to Gandhiji. He also narrated these facts to Mr. Ashoka Mehta and Mr. Moin-ud-Din Harris of the Socialist Party two or three days after the bomb explosion.

21.217 According to this witness, nobody was prepared to save Gandhiji. The portion of this witness's testimony is important in regard to the matter under inquiry. He stated, "I had done everything possible. I had informed the Chief Executive of the Bombay Government; I had informed Ashoka Mehta, Jayaprakash Narayan and Harris. I could do nothing more. I did whatever was possible for me to do. If nobody took any action, it was not my fault."

21.218 A significant part of Mr. Angad Singh's statement is that Madanlal told him that nothing would happen to him as the police were on his side and that even on the occasion of the assault on Patwardhan nothing happened to him because he was asked by the police to throw away the knife and then he was discharged.

Professor Yajnik—

21.219 Another witness on this point is Professor Yajnik, witness No. 29, who was another professor in Ramnarain Ruia College in 1947-48. To him Professor Jain had talked about Madanlal about a fortnight before assassination of Mahatma Gandhi. Jain had said that he had information that there was a conspiracy to assassinate Mahatma Gandhi. This he (Yajnik) was not prepared to believe. Yajnik advised Jain to go and inform the Government and three or four days later Jain informed him that he had done so. After Mahatma Gandhi's assassination this witness asked Jain as to what he had done about the matter and his reply was that he had met the Minister but had received a cold reception from the Home Minister who did not properly hear him and treated him rather brusquely. Professor Yajnik stated that he himself did not believe that anybody would injure Mahatma Gandhi. That is why he kept quiet about the matter till after the bomb was exploded.

21.220 To sum up the evidence of Professor Jain, Mr. Angad Singh and Professor Yajnik, Madanlal came to him (Jain) in September 1947 and again in December 1947. He told him that a Seth, whose

name was subsequently found to be Karkare, helped him. This Seth was running a hotel and his name was disclosed to the Professor in December. Madanlal, a month before the throwing of the bomb, came to see Professor Jain and gave him an account of his exploits in Ahmednagar. On that occasion he was accompanied by the Seth, i.e., Karkare, and then they went away. Sometime later when Professor Jain was returning from his college, Madanlal talked to him confidentially and told him after some conversation that there was a conspiracy to murder and the person to be murdered was Mahatma Gandhi. The Professor started arguing with him and thought that he had talked Madanlal out of that evil intention. But he felt perturbed all the same. So he talked to his friends, Angad Singh, Professor Yajnik and Mr. Shriyans Prasad Jain, who all said that Madanlal was bragging.

21.221 Three or four days before the bomb was thrown, Madanlal again came to see Professor Jain and told him that he was going to Delhi. Professor Jain warned him against doing anything criminal but Madanlal told him a yarn that he was going to get married and on his return would see the Professor.

21.222 It was after the bomb was thrown that the Professor thought that the matter was serious and then saw Mr. Morarji Desai after making unsuccessful attempts to see Sardar Patel, his son Dayabhai, and Mr. S. K. Patil.

21.223 This evidence in regard to the movements of Madanlal slightly vary from what Professor Jain stated in court, but any such variation does not take away from the veracity of the statement which was accepted by the court. (See judgment of Judge Atma Charan at page 57).

21.224 Mr. Angad Singh, witness No. 28, stated that he told Professor Jain not to take Madanlal seriously because refugees did talk in that strain that they would kill Mahatma Gandhi or Nehru or others. He also stated that when Mahatma Gandhi decided to go on fast in connection with rupees 55 crores, the matter of murdering him had been dropped by the conspirators. Jain told him that he had tried to talk Madanlal out of his attempt but Madanlal had replied that he could not now get himself out of it because in that case he (Madanlal) himself would be murdered and that he was being constantly watched by his companions and had come to Professor Jain surreptitiously. After the payment of rupees 55 crores, the conspirators had again made up their minds to murder Mahatma Gandhi, and Angad Singh could not say whether Professor Jain tried to stop him after that.

21.225 Professor Yajnik, witness No. 29, stated that Professor Jain had informed him about his information regarding the conspiracy to murder Mahatma Gandhi but he (Yajnik) did not believe it and asked Professor Jain whether he was joking. When he said that he was serious, then Professor Yajnik advised him to inform the Government. Professor Jain also thought the matter serious. Three or four days later, when he (Yajnik) asked Professor Jain whether he had informed the Government, he said that he had.

21.226 After discussing all this, Mr. Kotwal rightly argued that, in the circumstances, Professor Jain should not have taken Madanlal's statement to him to be mere bragging and he should have taken

earlier action. Commission also is of the same opinion. But Professor Jain, for reasons best known to himself, was trying to give information to Mr. Jayaprakash Narayan, to Mr. Ashoka Mehta, Mr. Harris and others, in which he does not seem to have been successful. And he even consulted his friends Angad Singh and Professor Yajnik whose assessment was diametrically opposite to each other, the former thinking it to be a mere bragging and the latter took it to be serious. But the fact remains that no information was given before the bomb was exploded. But even the information given after the explosion does not seem to have led to any tangible results; perhaps, earlier information might not have resulted differently.

21.227 It may be added that Angad Singh also stated that he gave this information both to Mr. Ashoka Mehta and Mr. Harris. They appeared as witnesses and denied this fact.

21.228 Mr. Purshottam Trikamdas also had some knowledge conveyed to him by a person whose name or identity he does not remember, but he took him to Mr. B. G. Kher and then to Mr. Morarji Desai. But that man also could disclose no names and only said Mahatma Gandhi's life was in danger. Evidently, Mr. Morarji Desai thought that the man was dotty, but Mr. Purshottam considered him to be quite serious.

21.229 So, it comes to this that the only person who had any definite information in regard to danger to Mahatma's life was Professor Jain who had shared his knowledge with his friends who considered the information to be not exactly serious or reliable. But, in the opinion of the Commission, it was the duty of Professor Jain to have conveyed this information even to the highups like the Ministers and leaders of the Congress, if he for some justifiable reason was not prepared to go to Mr. Nagarvala or to Mr. Barucha or even to the Chief Presidency Magistrate against whom Professor Jain could not justifiably have any antipathy or be afraid of him. It is not an easy matter for a private citizen to give information of this kind to a policeman whether high or low because there is always fear of a brusque treatment with interrogations, harassment of being called at police stations etc.

21.230 Mr. Jayaprakash Narayan, witness No. 98, when asked if he could remember sending a man to Mr. Purshottam, Bar-at-Law, with the information of danger to the life of Mahatma Gandhi, replied that he had no such recollection and he could not have done it because he could not believe that any one could contemplate murdering Mahatma Gandhi. He also stated that he had no recollection about Prof. Jain coming to him. He said that there were political differences of the Kesari School and the Savarkarites but not so acute or violent as to lead to murder.

CHAPTER XXII

TERMS OF REFERENCE (c)

22.1 In Chapters 12G and 12H the action taken at Delhi both before and after the bomb has been discussed. Similarly, under Chapters XV-Poona, XVI-Ahmednagar, and XVIII-Bombay, the Commission has at length discussed both the conditions prevailing there, and the action taken before and after the bomb, in those towns and cities.

22.2 After the bomb was exploded at Birla House, there were two investigations, one at Delhi and the other at Bombay although objection has been taken to calling the police proceedings at Bombay as 'investigation'. But the two of them, i.e., the investigation at Delhi and at Bombay, were simultaneous, complementary and supplementary. They have been given separate chapters under this term of reference because it was more convenient to do so.

22.3 As a matter of fact, all the chapters dealing with the conditions in various cities and towns would properly fall within the ambit of term of reference (c), i.e., chapters XII to XVI, and chapter XVIII, but it was more convenient to discuss and deal with them at a previous place and that is why they have been put there.

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CHAPTER XXIII

INVESTIGATION AT DELHI

23.1 The following facts may be given as prefatory.

23.2 The bomb was exploded at Birla House at about 5.30 P.M. on the 20th January, 1948. Madanlal was arrested at the spot. Godse and Apte escaped the same night and went to Cawnpur and Allahabad en route to Bombay. Badge and Kistayya also left the same night by the Bombay Express and went straight to Poona. Karkare and Gopal Godse were in Delhi on the night of the 20th. According to one version, they were both staying at Frontier Hindu Hotel. According to another, Karkare was not staying there. But that is immaterial, Gopal Godse left by the Frontier Mail on the 21st for Poona via Bombay. Karkare stayed at different places according to his own statement and left Delhi on the 23rd at about 3 P.M. and by short rail journeys and bus journeys reached Kalyan on the 26th morning.

23.3 Godse and Apte returned to Delhi by Air India plane on the 27th morning. From the Airport they went to the Delhi main Railway Station, got the Gwalior train and returned to Delhi on the 29th morning and stayed in a retiring room at the Delhi main Railway Station under assumed names. Karkare returned to Delhi by the Frontier Mail on the 28th, stayed the night in the third class railway waiting room and the next day he met Apte and Godse. They were in Delhi on the 29th and the 30th and after the murder Apte and Karkare came to the Delhi main Railway Station and slept the night at the platform mixed up among the refugees. On the next day, they left by G.T. Express for Itarsi at about 2.30 P.M. and from there caught the Allahabad Bombay Express at Itarsi. This will show the short duration of the stay of these various persons in Delhi, and the Commission has to take into consideration the fact that not one of them was known to Delhi Police and the Delhi Police had not taken the proper course of investigation by trying to find out from Ahmednagar and from Poona as to the particulars and the associates of Karkare. At that time, the name of Apte was not known to them. But by the 24th they had come to know of the proprietor of the "Hindu Rashtriya".

23.4 The Delhi Police during the period between the 20th and 30th January were depleted in numbers by the Muslim police having gone away to Pakistan and attenuated in ability by the clever Muslim officers going away and by a dilution caused by the entry of a number of officers from different northern provinces. Thus, the police had suffered numerically, professionally, and in cohesion. Besides, there was want of proper direction as the top brass was lacking in confidence in each other, if they were not actually quarrelling with each other.

23.5 What steps were taken by the Delhi Police after the bomb explosion is shown by the Police Case Diary of F.I.R. No. 40, i.e., the

First Information Report, made by Mr. K. N. Sawhney, Magistrate of Karnal. That is a record of their investigational progress, of the persons examined and of facts discovered therefrom. It will also show who were the suspects in the commission of the offence, how their names came to the knowledge of the Police and what efforts, if any, were made to follow up the clues of which they became aware during the course of their inquiries. It will also show their successes, their failures, where they tripped or where they showed exceptional investigational ability.

Case Diaries of F.I.R. No. 40—Bomb Case

23.6 The police diaries of the Bomb Explosion case begin with the first Information Report on January 20, 1948 at 6.00 P.M. under the heading 'F.I.R. No. 40 of 1948'. The first entry is the First Information Report made by Mr. K. N. Sawhney, P.C.S., Magistrate 1st Class, Karnal, (Witness No. 25), who had come to attend the Mahatma's prayer meeting. The First Information was that the informant had come to attend the prayer meeting at about 5.00 P.M. and at 5.30 P.M. he heard a sudden explosion as a consequence of which the loud speakers ceased working and nothing could be heard. On hearing the explosion, he rushed towards the side from which the noise came and he found that there was a hole in the back wall and a young man whose name was later disclosed to be Madanlal, a refugee, was standing there and had been caught hold of by Babu Ram Gupta, Sgt. Ramchander, F.C. Rattan Singh, and Bhoor Singh, an employee of Birla House. Smt. Salochna wife of Nanakchand, and two little boys were also present and they said that Madanlal, the man arrested, had placed the bomb on the wall and had ignited it with a match stick, and that he had alighted from a car in which there were three other persons, and one of the little boys gave the number of the car as DLH 9435 which turned out to be a wrong number.

23.7 According to the evidence of Sub-Inspector Dasondha Singh, (Witness No. 14), who was then S.H.O. in charge of Tughlak Road Police Station, some Head Constables and Constables were present but he was the first officer to arrive at the spot at about 6.00 P.M. Mr. Sawhney made his report in writing which he (the S.I.) sent on to the Police Station with his own endorsement and there the First Information Report under sections 4 and 5 of the Explosive Substances Act was recorded, and subsequently sections 307 and 120B of I.P.C. were added.

Mr. K. N. Sawhney, Wit. 25—

23.8 Mr. Sawhney, witness No. 25, has stated that he did not see the car nor the other companions of Madanlal but the people were saying that Madanlal and three others had got down from a car and Madanlal had ignited the bomb. As a result of the explosion the back wall of the compound was damaged. A little while after the bomb explosion, the Prime Minister, the Hon'ble Mr. Jawaharlal Nehru, arrived. Mr. Sawhney was called by Mahatmaji who said to

him, "the boy was bahadur (brave)" and he compared him to Bhagat Singh. And then the Mahatma said: "BACHE HAIN, ABHI YEH SAMJHATE NAHIN HAIN, MAROONGA TO YAAD KARENGE KE BOODHA THEEK KEHTA THA" (These are youngsters. They do not properly appreciate things. When I am dead, then they will remember that what the old man said was right). The Mahatma, according to this witness, took the whole thing in a very philosophical way. He was not un-nerved and did not show any fear but just smiled.

23.9 Madanlal was searched in the presence of the witness (K. N. Sawhney) and a live hand-grenade was found from his pocket.

23.10 In his cross-examination he stated that there was no restriction on the visitors to the prayer ground. He also said that he could not say whether the Mahatma knew that there was danger to his life but he was not perturbed at the bomb explosion.

23.11 The First Information Report contains the various particulars which at the moment are not relevant, but what was done by the police is. The Sub-Inspector Dasondha Singh (Witness No. 14) searched the person of Madanlal and among other things he recovered a live hand-grenade with military markings, indicating a murderous intent and not a mode of protest. Then the description of the arrested person was given and the report written at Birla House was sent to the Police Station. Instructions were issued for the despatch of special reports and higher officers were informed of the incident on the telephone. The police officers who thereafter arrived at the spot were Superintendent Amar Nath Bhatia of New Delhi, Superintendent Pt. Jagan Nath of Delhi City, Deputy Superintendent Jaswant Singh of New Delhi, Deputy Superintendent Kartar Singh of C.I.D., Inspector Mehta Kartar Singh of C.I.D. and Inspector Balkishan also of C.I.D.

The articles recovered from Madanlal after immunising were put in a packet and sealed.

23.12 The bomb explosion had caused a hole in the north-western corner of the servants' quarter of Amar Singh Gurkha, who was a chauffeur in the House.

23.13. Description is then given of the servants' quarters at the back and of the place where Mahatmaji used to sit for his prayers. It is not necessary to give a description of the prayer ground which is apparent from the plan, ex. 45 and ex. 274, the former is a pencil sketch and the latter by a Draftsman.

As the case was of special importance, a site plan was ordered to be prepared by a Draftsman. Ex. 274. Madanlal was interrogated, but he did not give any useful information. The interrogation was by Deputy Superintendent Jaswant Singh. Inspector Mehta Kartar Singh, and Superintendent Jagan Nath. Statements were also recorded of the persons who were present at the time of occurrence.

23.14 Head Constable Dharam Singh, who was a Guard Commander at Birla House, stated that Foot Constable Rattan Singh and he were present on duty at the prayer ground, the latter being armed. After the Mahatma took his seat and started his prayers, there was an explosion and the person who exploded the bomb was arrested at the spot and information was sent on the telephone to the officers at once. According to his statement, the search was conducted by these people and among other things a hand-grenade was recovered.

23.15 Deputy Superintendent Jaswant Singh, Inspector Balkishan and Sub-Inspector Dasondha Singh took Madanlal from Birla House to Parliament Street Police Station for further interrogation. Madanlal was interrogated under the direction of Deputy Superintendent Kartar Singh (C.I.D.), Superintendent Amar Nath Bhatia (New Delhi), Superintendent Rikhikesh (C.I.D.). He gave his antecedents of where he came from, of his education and his attempt to join the Navy, of his staying in Bombay, of going to Poona and joining as an electrician in the Civil Military Unit, Poona. He then was sent to Lahore to the R.I.E. After retrenchment, he returned home. After the partition he stayed at various places and reached Bombay during November, 1947 and after staying at a Gurdwara for 3 days he was sent to a refugee camp where he stayed for 6-7 days, then went to Hindu Mahasabha for employment and met the Secretary, a Mr. Savarkar. He stayed there for several days where there were heated discussions about Mahatma Gandhi and the policy of the Government. Mahatma's speeches in favour of the Muslims were looked down upon with contempt. He also gave to those people the story of how the Hindus were driven out and their women were molested and being a refugee, "he too bore vengeance in his heart". He then met one "Kirkree" (really Karkare) who held the same views. He (Kirkree) used to incite Madanlal for an attempt on the life of the Mahatma. Karkare also had other Marath companions of whom one was Maharaj, a Manager of *Rashtriya Paper*, who was also in the conspiracy. All conspired together to murder Mahatma Gandhi. But (Kirkare) Kirkree did not mention to him the details about the others.

[NOTE—The language is rather obscure but this is what is stated in the case diary.]

23.16 No details of movements are given but the statement starts with the movements of January 17, 1947 when Madanlal, "Kirkree" and a Sindhi who joined them *en route* from Bombay to Delhi. At Delhi they rented a room in Sharif Hotel, Fatehpuri. On 19th January, 1948 they went to Hindu Mahasabha Bhawan at the instance of "Kirkree". The Sindhi then left and the others took up residence at the Hindu Mahasabha Bhawan in room No. 3. The Maharaj and the Maratha were staying in room No. 40 at the Marina Hotel. On 20th January, Kirkree took them to the Marina Hotel where in the latrine of the room he "trained them in the use of arms". It then describes what weapons were given and to whom. It mentions a young boy, aged 20-21 wearing a Gandhi cap, a Maratha with long hair and a beard like Sikhs with a revolver. The boy who appeared to be a servant of the Maratha had a hand-grenade. Kirkree also had a hand-grenade. All of them, i.e., Kirkree bearded Maratha and the

servant armed as above-mentioned reached Birla House on the 20th January a little before the prayer time.

23.17 The task assigned to Madanlal was to explode the bomb and others were allotted the task of shooting at Mahatma Gandhi with the revolver. He (Madanlal) carried out his job but as it was unsuccessful, the others escaped in a car. He then stated that he did not throw the grenade at the prayer meeting because he had no plan to kill anybody except Mahatma Gandhi. The reason for murdering him was that the Mahatma was evacuating refugees forcibly from the mosques and was instrumental in the giving of 50 crores of rupees to the Muslims and he helped the Muslims. He disclosed that the other culprits might be in the Marina Hotel or in the Hindu Mahasabha Bhawan. He (Madanlal) had made a disclosure because the others had deceived him and run away and he considered it his duty to get them arrested. Then he gave the description of his companions as follows—

1. Mahratta (with beard), thin body, moustach and beard like Sikhs, height 5'-4", aged 32/33, generally wears a turban; light black colour.
2. Mahratta, wheatish colour, thin body, keeps his lips tight, small eyes, size 5'-6", aged 22 years, can speak Punjabi.
3. Kirkree (Marhata), wheatish colour, round face, small eyes, wears spectacles, thin hairs (some?) on cheeks and chin, height 5'-5", aged 34/35 years. Can speak Hindustani.
4. Mahratta, light black colour, round face, English cut hairs, height about 5'-2/3", aged 20 years.
5. Editor Rashtriya and Agrani (Marhatta Newspaper), Caste Marhatta, name not known, but gives out his name as Deshpande, light black colour, keeps his face muffled with muffler, height 5'-5½", Aged 32 years. Speaks Mahratti only.
6. Maharaj, black face, stout (*mazbut*) body, height 5'-3", aged 33/34 years".

All this is contained in paragraph 15 of the first day's diary.

23.18 Under the orders of the superior officers, Sub-Inspector Dasondha Singh with Deputy Superintendent Jaswant Singh, Inspector Balkishan and Inspector Mahta Kartar Singh and Inspector Ram Chander of Parliament Street Police Station and other constables went to the Marina Hotel taking Madanlal with them. There they met Ramchander, the Reception Clerk of the Hotel, and Pacheco, Manager of the Hotel. They found that the two men who gave their names as S. Deshpande and M. Deshpande and who were shown as residents of Bombay, had occupied room No. 40 at 8.30 P.M. on January 17 and left on January 20. Copies of the entries in the hotel register were taken and they have been placed in the police diary. The room was then searched and a typed sheet of paper